

February 13, 2024
Sl. No.7
Court No.19
s.biswas

CO 111 of 2024

Haran Mondal and others
vs.
Nurnobi Mondal and others

Mr. Saptarshi Kumar Kundu
... for the petitioners

Affidavit of service filed by the petitioners is taken on record.

Despite service, none appears on behalf of the opposite parties.

This revisional application arises out of an order dated November 23, 2023 passed by the learned Civil Judge (Senior Division), Kalyani, Nadia.

By the order impugned, the adjournment petition filed by the plaintiff citing absence of the learned advocate was rejected. All three applications were also accordingly rejected with cost of Rs.500/-.

In my opinion, this has caused serious injustice to the plaintiff. The learned court ought not to have rejected the applications, without further opportunity to the plaintiff to move the same. The ground for seeking adjournment was absence of the learned advocate. Last opportunity should have been given upon imposition of cost.

Under such circumstances, the order dated November 23, 2023 is set aside, except the direction for payment of cost. All the three applications,

which were rejected by the order impugned, are revived. The learned court below shall dispose of the said applications upon giving opportunity to the contesting defendants in the suit, to file their written objections to the said applications, if not already filed. Thereafter, such applications shall be disposed of at the convenience of the learned court below, on their own merits. The applications will revive only if the cost as directed by the learned court, is paid.

It is made clear that the plaintiff shall refrain from seeking further adjournments on the date fixed for hearing of the applications. This court has not decided on the merits of the application.

The revisional application is thus allowed and disposed of accordingly.

All the parties are directed to act on the basis of the server copy of the order.

Urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shampa Sarkar, J.)