

In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)
C.O. 2032 of 2024
I.A. No : CAN 1 of 2024 (not in file)
Hemant Bangur & Ors.
Vs.
Shri Vinod Arora

Mr. Sourait Dasgupta,
Mr. Ashis Kr. Mukherjee,
Mr. Saurabh Prasad ... For the petitioners.

Mr. Abhijit Ray,
Ms. A. P. Ganguly,
Mrs. Debarna Roy ... For the opposite party.

Affidavit-of-service filed on behalf of the petitioners be kept with the record.

The matter has been brought to the list at the instance of the petitioners for extension of interim order but the parties have consented to the final disposal of it.

The instant application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a suit for eviction and is directed against the order No. 24 dated May 13, 2024 passed by the learned Judge, 11th Bench, City Civil Court at Calcutta, in the said suit being Ejectment Suit No. 13 of 2019.

The first witness on behalf of the plaintiffs did not turn up on the date fixed for recording of his evidence instead, had filed an application for adjournment.

The learned Trial Judge by the Order No. 23 dated April 25, 2024 had rejected the said application as none moved it and had directed the plaintiffs to show cause as to why the suit should not be dismissed for default. In response thereof, the plaintiffs filed show cause on the next date which the learned Trial Judge, by the order impugned has accepted subject to the payment of costs of **Rs. 20,000/-** (Twenty thousand rupees only).

The plaintiffs are aggrieved by the amount of costs.

The learned Trial Judge, in terms of Order XX A Rule 2(a) of the Code of Civil Procedure (Calcutta Amendment), has exercised his

discretion to assess the rate of costs, in which this Court is not inclined to interfere as the said discretion does not appear to have been exercised capriciously or arbitrarily.

The hearing of the suit be expedited.

C.O. 2032 of 2024 is therefore dismissed without any order as to costs.

In view of the dismissal of the revisional application, the application for extension of interim order being CAN 1 of 2024 has become infructuous and is also dismissed accordingly without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)