

20.06.2024
Item No.08, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2092 of 2024

Amitava Mandi

-Vs-

Brij Kishore Gupta & Ors.

Mr. Arijit Bardhan,
Mr. Debanik Banerjee,
Mr. Steven Sourodip Biswas.
.....for the petitioner.

Mrs. Shohini Chakraborty,
Ms. Prajaaini Das.
.....for the opposite party
nos.1 & 2.

Supplementary affidavit filed on behalf of
the petitioner be kept with the record.

The defendant no.1 in a suit for Ejectment
is the petitioner in the instant application under
Article 227 of the Constitution of India which is
directed against Order dated May 17, 2024
passed by the 4th Court of the learned Civil Judge
(Senior Division) at Alipore, District : 24-Parganas
(South) in the said suit being Ejectment Suit No.
55 of 2022.

The said suit is running ex parte against
the defendant nos. 2 and 3.

The learned Trial Judge, for the failure of
the defendant no.1 to pay costs of Rs. 3,000/-,
has fixed the suit for ex parte hearing against him
also.

Mr. Bardhan, learned advocate for the
petitioner submits that his client may be

permitted to contest the suit on payment of the said costs.

The belatedly filed written statement of the defendant no.1 since has been accepted, he is permitted to contest the said suit subject to payment of costs of Rs. 25,000/- to the plaintiff within a week from date.

On payment of the said costs, the suit shall be taken off from the ex parte board as against the defendant no.1; in default, the permission hereby granted to the defendant no.1 to contest the said suit shall stand recalled and it shall again proceed ex parte against him.

C.O. 2092 of 2024 is disposed of with the above terms.

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

(Biswajit Basu, J.)