

Item No. 29

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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

C.O. 2655 of 2022

Bharat Hembram & Ors.
Vs
Urmila Murmu & Ors.

Mrs. Shohini Chakraborty,
Ms. Prajaaini Das. ... for the petitioners.

Mr. Swapan Kumar Chatterjee.
... for the opposite parties.

1. Both the learned counsel appearing on behalf of the parties to this revisional application are present.
2. This revisional application has been filed assailing the Order No. 12 dated 1st August, 2022 passed by the Learned Civil Judge (Junior Division), 2nd Court, Durgapur, District: Paschim Bardhaman in connection with Title Suit No. 124 of 2021, wherein learned Judge passed an order refusing the learned advocate appearing on behalf of the defendant to make any adjournment without any Vakalatnama and ultimately disposed of the application under Order 26 Rule 9 of the Code of Civil Procedure thereby appointing one advocate commissioner

having knowledge of survey.

3. Both the learned counsel appearing on behalf of the parties to this revisional application are ad idem of the fact that liberty should be given to the defendants/petitioners herein to remain present at the time of hearing of application under Order 26 Rule 9 of the Code of Civil Procedure.
4. Learned counsel appearing on behalf of the petitioners has submitted that Vakalatnama has already been filed on behalf of the defendants in the court of Learned Civil Judge (Junior Division), 2nd Court Durgapur, District: Paschim Bardhaman.
5. Considering all fact and circumstances, the order impugned stands set aside with a direction upon the Learned Trial Judge to rehear the application under Order 26 Rule 9 of the Code of Civil Procedure after giving opportunity of hearing to both the parties to the suit within 15 days after Puja Vacation, 2024.
6. With the aforesaid observation, the revisional application stands disposed of.
7. Parties are at liberty to communicate this order to the learned Trial Court.
8. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
9. All parties to this revisional application shall act on

the server copy of this order duly downloaded from
the official website of this Court.

(Bibhas Ranjan De, J.)