

CRR 99 of 2025

Dipak Kumar Das
Vs.
Meghabarna Das

Adv. Arkadyuti Pahari,
Adv. Gargi Maity,

...for the petitioner.

The petitioner seeks waiver of cost of Rs.10,000/- imposed upon him by the learned Judicial Magistrate, 10th Court, Alipore in M. Case no. 20 of 2023 on 21st December, 2024.

It appears from the order impugned that an adjournment was sought by the petitioner on the said date on the ground that he had undergone surgery on 19th December, 2024. Despite recording the same, the learned Magistrate chose to impose cost of Rs.10,000/- upon the petitioner on two folds counts:

First, the petitioner did not take the said ground on the earlier date fixed on 2nd December, 2024 and second, there is a direction by this Court for expeditious disposal of the case.

Learned counsel for the petitioner submits that the petitioner underwent surgery on 19th December, 2024 and was discharged from the hospital on 23rd December, 2024. It is a fact that there is a direction upon the learned trial Court for expeditious disposal of the case but that does not necessarily indicate that the learned trial Court shall remain oblivious of the fact that the petitioner was admitted in the hospital on the relevant date, i.e. 21st December, 2024.

In view of the above, the cost of Rs.10,000/- imposed upon the petitioner vide the order impugned be waived. However, the petitioner shall not seek unnecessary adjournment before the learned trial Court on any further date and shall be represented before the learned trial

Court on the next date of hearing fixed by the learned Court on 10th January, 2025.

CRR 99 of 2025 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)