

**Item 13.02.
No. 2025
181**

**Ct
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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 471 of 2023

**Ansura Begum
Vs
Atabar Rahaman Koyal & Ors.**

Mr. Rafikul Islam Sardar.

... for the petitioner.

1. Affidavit of service filed by the petitioner be kept with the record.
2. Learned counsel appearing on behalf of the petitioner is present.
3. None appears on behalf of the opposite parties on call.
4. Challenge is the order dated 9th December, 2022 passed in connection with Title Suit No. 132 of 2019, wherein Learned Civil Judge (Junior Division), 6th Court, Howrah refused an application dated 17.02.2022 for vacating the order fixing date for *ex parte* hearing of the suit.
5. Learned Judge considering the conduct of the defendant no.1/petitioner herein refused the prayer of the application.
6. Learned counsel appearing on behalf of the petitioner has referred to the application dated

17.02.2022, particularly paragraphs 1 to 4 and submits that Learned Trial Judge did not consider the averments delineated in the application dated 17.02.2022.

7. From the application dated 17.02.2022, it appears that defendant No.1/petitioner herein has averred that after initial appearance in the suit on 24.04.2019, she could not appear subsequently due to illness and monetary problem. Thereafter, due to pandemic situation she could not go out of her house.
8. On careful scrutiny of the impugned order, I do not find any kind of deliberation on the grounds of delay mentioned in the application dated 17.02.2022.
9. Learned Judge disallowed the prayer of the application considering the abnormal delay but without assigning any reason in respect of the delay mentioned in the application dated 17.02.2022.
10. From that point of the view, I find it necessary to set aside the order of rejection only with respect to the application dated 17.02.2022, with a request to the Learned Trial Judge to rehear the application after giving an opportunity of hearing to both the parties to the suit, as expeditiously as possible considering the long pendency of the suit.

11. With the aforesaid observation, the revisional application stands disposed of.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)