

17.12.2025
Ct. No. 6
Sl. No.9
akd/pk

C. O. 2115 of 2025
(C. A. N. 1 of 2025)

[Ranjit Kumar Sapui -Vs- Baidya Nath Naskar & Ors.]

Mr. Supratick Shyamal
Mr. Gautam Sapui
... ... for the petitioner

1. None appears on behalf of the opposite party no. 25 despite service. Service upon other opposite parties had been dispensed with.
2. The learned Civil Judge (Junior Division), 1st Court, Alipore, South 24-Parganas, passed an order dated May 22, 2025 in Title Suit No. 419 of 1986, by accepting the second written statement filed by the defendant no. 26, separately. The said defendant is the opposite party no. 25.
3. It is contended before this court that the written statement was filed by the defendants jointly. Thereafter, the suit proceeded ex parte against the defendants for thirty years and defendant no. 26 alleging that he had not signed the earlier written statement filed another written statement. The learned court accepted the written statement by removing the suit from the ex-parte board.
4. The learned court has not assigned any reasons. The learned court has not considered whether the allegation that the signature of the defendant no. 26 in the earlier written statement was actually a creature of fraud and misrepresentation.
5. Under such circumstances, the order impugned is set aside.

6. The learned court is directed to hear out the petition for removal of the suit from the ex-parte board filed by the defendant no. 26 as well as the petition for acceptance of a separate written statement of the defendant no. 26, afresh and in accordance with law.

7. It is made clear that the learned court shall assign reasons in support of the findings to be arrived at.

8. With the aforesaid directions, the revisional application is disposed of. Consequently, the connected pending application being CAN 1 of 2025 is also disposed of.

9. There shall be no order as costs.

10. All parties are to act on a server copy of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)