

CO 2929 of 2024

Sk. Manuar Ali
Vs.
Susanta Paul&Ors.

Mr. ParthaPratim Roy
Mr. Gourav Das
Ms. Madhumanti Das
... for the petitioner

Mr. Debjit Mukherjee
Ms. SusmitaChatterjee
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana
... for the Opposite Party No. 1

1. Affidavit of Service filed in Court is taken
on record.

2. Despite service, none appears on behalf of
Opposite Party Nos. 2 and 3.

3. Challenging the order dated 3rd July, 2024
passed by the learned Civil Judge, Junior Division, 2nd
Court, PaschimMedinipur in Judicial Misc. Case No. 155 of
2023, the instant revisional application has been filed,
whereby the learned Judge has been pleased to reject the
show-cause petition for removal of the matter from the
Ex-Parte Board and for acceptance of the written
objection.

4. Mr. Mukherjee, learned advocate for the
Opposite Party No. 1 would submit that though the ground
shown by the petitioner for removal from the Ex-Parte

Board did not call for acceptance of the show-cause by the learned Court, however, considering the fact that this is an election petition, opposite party no.1 is ready and willing to accept the written statement subject to payment of cost as may be directed by this Court. He only submits that since, the tenure of member of Panchayat Samity is only five years this Court should issue appropriate direction for expeditious disposal of the election petition.

5. Having heard the learned advocates appearing for the respective parties, and considering the materials on record, I find that though the petitioner had failed to appropriately explain in the show-cause the reasons for the delay in filing written objection and though the grounds for acceptance of the show-cause does not appear to be cogent, however, for the ends of justice and having regard to

the submissions made by Mr. Mukherjee in Court and noting that a valuable right of the petitioner would be lost if the petitioner is not permitted to object, I direct that the written objection filed by the petitioner be accepted upon payment of cost of Rs.5000/- to be paid by the petitioner to the Opposite Party No. 1. Such payment of cost is made condition precedent for acceptance of the written objection by the learned Court. Such cost must be paid within a period of two weeks from date. Having regard thereto, let the order dated 3rd July, 2024 be varied to the extent of non-removal of the cause from the Ex-Parte Board in so far as the petitioner is concerned as also for acceptance of the written objection filed by the petitioner. The witnesses who have already been examined shall be permitted to be cross-examined by the petitioner. The petitioner's right to lead evidence is

also reserved.

6. Considering the fact that the above proceedings concerns an election petition, it is only expected that the learned Trial Court shall expeditiously dispose of the matter, preferably within a period of six months from the date of communication of this order.

7. With the above observations and directions, CO 2929 of 2024 stands disposed of.

(Raja BasuChowdhury, J.)