

Court No. 6
(265719)

25.03.2025
(AD 57)
(S. Banerjee)

CO 3318 of 2024

Sri Akash Ghosh
Vs.
Sri Rajat Chakraborty

Mr. Parikshit Basu
Ms. Bidisha Manna

...for the petitioner

Mr. Rabindranath Mahata
Mr. Aritra Shankar Ray

...for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated July 16, 2024 passed by the learned Civil Judge (Sr. Division), 1st Court, Baruipur, South 24 Parganas, in Title Suit No. 215 of 2016. By the order impugned the application filed by the petitioner praying for vacating the ex parte order, stood rejected. The learned advocate for the petitioner submits that the reason for fixing the suit for ex parte hearing was that the written statement has not been filed.

It is not in dispute that the written statement has been filed.

In view thereof this Court is inclined to interfere with the order impugned. The order fixing the suit for

ex parte hearing is set aside subject to payment of cost of Rs. 3,000/- to be paid by the petitioner to the opposite party herein within a week from date.

CO 3318 of 2024 stands allowed.

The learned Civil Judge (Sr. Division), 1st Court, Baruipur, South 24 Parganas is requested to dispose of Title Suit No. 215 of 2016 as expeditiously as possible without granting any unnecessary adjournment to the parties.

(Hiranmay Bhattacharyya, J.)