

Subhas Parekh and anr. Vs. Smt. Lalilta Rani Jain and ors.

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SooperKanoon Citation : sooperkanoon.com/1127421

Court : Kolkata

Decided On : Feb-10-2014

Judge : Soumen Sen

Appellant : Subhas Parekh and anr.

Respondent : Smt. Lalilta Rani Jain and ors.

Judgement :

CS60of 2013 GA No.3752 of 2013 IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE SUBHAS PAREKH & ANR.

Versus SMT.

LALILTA RANI JAIN & ORS.BEFORE: The Hon'ble JUSTICE SOUMEN SEN Date
: 10th February, 2014.

For the plaintiffs : Mr.Joyak Kr.

Gupta,Advocate For the defendant No.1 & 2 : Mr.Arnab Mukherjee,Advocate The
Court : - None appears on behalf of the defendant No.3.

The affidavit of service filed by the plaintiff shows that the said defendant was
communicated with the order dated 4th April,2013 along with a copy of the plaint in
order to enable the said defendant to enter appearance and file the written
statement.

The time to file the written statement by the said defendant expired on 1st April,2013.

The said defendant is not represented.

However, a last opportunity is given to the said defendant to contest this proceeding.

The learned Advocate-onRecord for the plaintiff is directed to serve an appropriate notice by speed post with acknowledgement due on or before 13th February,2014 informing that the said defendant No.3 shall be entitled to file a written statement on or before 3rd March,2014 and shall also be permitted to enter appearance within the aforesaid period.

The suit along with the application appear in the list on 17th March,2014.

It would be open for the said defendant to discover and offer inspection of the documents on or before the aforesaid date and, in that case, the plaintiff shall file a supplementary Judges brief of documents.

In the event the said defendant No.3 does not file a written statement and enter appearance in the suit which shall be presumed that the said defendant No.3 is not interested to contest the suit and the suit shall proceed against the said defendant No.3 as an undefended suit.

The plaintiff shall file an affidavit of service on the returnable date.

All parties concerned are to act on a signed photocopy of this order on the usual undertakings.

(SOUMEN SEN, J.) S.Chandra AR(CR)

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