

Order Order

Order with Signature

Office Note as to action (if any) taken on Order

20.

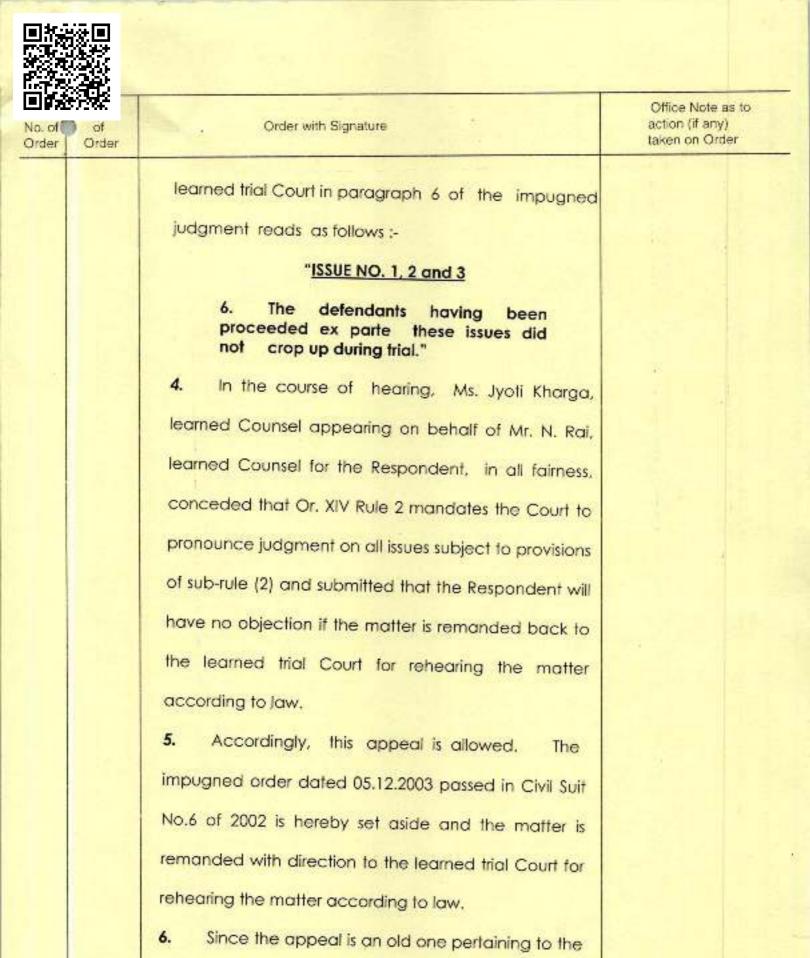
25.03.2008. Present :

Ms. Laxmi Chakraborty, learned Counsel assisted by Ms. Manju Rai, learned Counsel for the Appellant.

Ms. Jyoti Kharga, learned Counsel appearing on behalf of Mr. N. Rai, learned Counsel for the Respondent.

This is an appeal filed by Ram Kumar Goyel under Sec. 96(2) CPC against the ex parte decree dated 05.12.2003 passed by the learned District Judge, Special Division – II, Sikkim at Gangtok in Civil Suit No. 06 of 2002.

- Heard learned Counsel for the parties.
- 3. The main ground taken in the Appeal is that the learned trial Court failed to deal with three of seven issues framed in the suit, while disposing of the suit ex parte vide impugned order. The three issues thus left out of consideration relate to bar of limitation, non-compliance with the provisions of Order II Rule 2 C.P.C. by the Respondent in his pleadings and non-compliance with the provisions of Order XIV Rule 2 C.P.C. by the learned trial Court. The fact that the above issues were left out of consideration by the learned trial Court while disposing of the matter ex parte is borne out by record. The reasons given by the



year 2003, the learned trial Court is directed to dispose

of the matter as expeditiously as possible preferably

within 6 (six) months from the date of this order.

