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Ct. 18  
16.11.2021

**C.O. No. 365 of 2021  
(Via Video Conference)  
Mata Prasad Shaw  
Vs.  
Smt. Sudama Debi**

Mr. Abhijit Roy,  
Mr. Rajib Ray ... For the petitioner.

Mrs. Shohini Chakraborty ... For the opposite party.

Affidavit-of-service filed on behalf of the petitioner  
be kept with the record.

The defendant in a suit for ejectment being  
Ejectment Case No. 23 of 2014 pending before the 1<sup>st</sup>  
Court of learned Civil Judge (Junior Division) at  
Sealdah is the petitioner of the present application  
under Article 227 of the Constitution of India.

The learned Trial Judge is deciding an application  
filed by the petitioner in the said suit under Section  
7(2) of the West Bengal Premises Tenancy Act, 1997.

The learned Trial Judge, being dissatisfied with the  
repeated default on the part of the petitioner to  
produce his second witness in the said proceeding has  
closed the evidence of the said witness by the order  
impugned dated January 28, 2021.

The conduct of the petitioner is highly blemished,  
however, for the ends of justice, the petitioner is  
permitted to produce his said witness on the next date  
fixed in the said proceeding subject to payment of

costs of Rs. 5,000/- to the plaintiff/opposite party to be paid before the said next date.

It is made clear that the petitioner shall get only one opportunity to produce his said witness on the said date and it is expected that the plaintiff shall conclude the cross-examination of the said witness on the said date itself.

In the event the evidence of the said witness cannot be concluded on the said date for any unavoidable reason, the learned Trial Judge is requested to conclude the evidence of the said witness on the next available working day of the said Court.

C.O. 365 of 2021 is disposed of with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)