

C.O. 792 of 2021
(Through Video Conference)

Chatra Players Association
-Vs-
Sri Swapan Kumar Nandi

Mr. Samiran Mandal,
Mr. Abhinaba Dan.
... for the petitioner.

Mr. Ram Prakash Banerjee,
Mr. Sib Narayan Chattopadhyay.
....for the opposite party.

The plaintiff in a suit for declaration of title is the petitioner of the present application under Article 227 of the Constitution of India which is directed against order dated March 06, 2021 passed by the Additional Court of the learned Civil Judge (Junior Division) at Serampore, District-Hooghly in the said suit being Title Suit No. 217 of 2008, subsequently renumbered as Title Suit No. 236 of 2014.

The learned Trial Judge by the order impugned has closed the evidence of P.W.₅ on the ground that the said witness did not turn up on the earlier occasion.

Mr. Mandal, learned advocate appearing on behalf of the petitioner submits that P.W.₅ is an aged lady suffering from different kinds of ailments, as such, could not appear before the learned Trial Judge on the earlier occasion fixed for her evidence. He prays that a final opportunity

may be given to the said witness to adduce evidence.

Considering the age of the said witness and for the ends of justice, the order impugned is set aside. The P.W.₅ is permitted to adduce her evidence on the next date fixed in the suit which is October 25, 2021 and shall conclude her evidence-in-chief on the said date, in default, her evidence would be closed.

It is expected that cross-examination of the said witness shall also be concluded on the said date.

In the event, due to some unforeseen circumstances, the evidence of the said witness cannot be concluded on the said date, it must be concluded on the next available working day of the Court below.

C.O. 792 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.)