

24.02.2022
Item No.02
Court No.18
AJ.

C.O. 494 of 2019

(Through Video Conference)

**M/s. Pragati Pratisthan Private Limited
represented by Mr. Sharad Kumar Rampuria
-Vs-
Priya Gopal Bishoyi represented
by Sri Madhsudan Laha**

Mr. Krishna Das Poddar.
... for the petitioner.

Mrs. Sabita Mukherjee Roy Choudhury.
... for the opposite party.

The petitioner is the plaintiff of the ejectment suit being Ejectment Suit No. 480 of 2015 pending before the 6th Bench, Presidency Small Causes Court at Calcutta.

The petitioner is complaining that the cross-examination of the P.W.₁ although was started on August 21, 2017 but till date has not been completed.

Mr. Poddar, learned advocate appearing on behalf of the petitioner blames the defendant for delay in completion of the said cross-examination.

Mrs. Sabita Mukherjee Roy Choudhury, learned advocate appearing on behalf of the defendant/opposite party vehemently opposes the said submission of Mr. Poddar and submits that delay has been caused either due to resolution of the Bar or for non-availability of the presiding Judge.

Be that as it may, failure to conclude the cross-examination of a witness within four years is a disturbing fact, even the intervention of the Covid-19 Pandemic cannot justify such delay.

This Court is informed that March 28, 2022 is the next date fixed for cross-examination of the said witness.

C.O. 494 of 2019 is disposed of by requesting the learned Trial Judge to conclude the cross-examination of evidence of the said witness on the said date fixed positively.

Mr. Poddar undertakes to make his said witness available for cross-examination on the said date fixed.

In the event the defendant is found reluctant to conclude the cross-examination; the evidence of P.W.₁ shall stand closed.

Mr. Poddar submits that the Advocate Commissioner has already filed his report and the defendant has not filed any exception to it, Mr. Poddar prays that the said report may be accepted.

In view of such position, veracity of the said report need not be tested, the learned Trial Judge shall accept the said report and shall make all endeavour to expedite the disposal of the suit in accordance with law.

There shall be no 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.)