

02.09.2022
Item No.7
Ct. No.7
CHC
(disposed of)

C.O.794 of 2022
IA NO: CAN/1/2022

Smt. Parul Das & ors.
Vs.
Sm. Sabita Pal

Mr. Tapas Kumar Dey,
Mr. Ashis Kumar Dutta
...for the petitioners

Mr. Abir Lal Chakravarti
...for the opposite party

The closure of the evidence in connection with a petition under Section 7(2) of the W.B.P.T. Act is under challenge in this case.

Admittedly, for the decision of an application under Section 7(2) of the W.B.P.T. Act, petitioners have already examined as many as two witnesses.

It is submitted by the learned advocate for the petitioners that there is only one Government witness, still left unexamined, and unless such witness is permitted to be examined, there may not be any effective adjudication of the controversy surfaced in connection with an application under Section 7(2) of the W.B.P.T. Act.

It is also submitted that for the delayed presence of the government official, such witness could not be examined, and as a result of which, there has been

order passed by the court below directing closure of petitioners' evidence.

Mr. Abir Lal Chakravarti, learned appearing for the opposite party submits that when the order of closure was made, there was no witness present on that relevant date, and no accommodation was proposed by the petitioners to examine any further witness.

Supporting order of the court below, learned advocate for the opposite party submits that there lies nothing to be interfered with.

Having considered the submission of both sides, it appears that closure of the evidence is under challenge in this case.

As per submission disclosed by the petitioner, there is only one witness still left unexamined (government official).

That being the position, if such a witness is examined in a time bound manner, the same will not cause any prejudice to the opposite party.

The revisional application is thus disposed of upon setting aside the orders dated 3rd January, 2022, and 17th February, 2022, with a direction upon the court below to collect the evidence of remaining witness (government official) on a date, to be suitably fixed by the court below, preferably before the Puja Vacation of this Court for the year 2022.

Petitioners are given liberty to communicate this order to the court below with a separate application for examination of witness, supported by the summons necessary therefor for the examination of the witness.

The application being CAN/1/2022 stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)