

(05)
12.07.2022
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO No. 1397 of 2022

Sukumar Das alias Saktipada Das & ors.
-versus-
Smt. Sabita Das & ors.

Mr. Sukumar Ghosh,
Ms. Moumita Ghosh,
... for the petitioners.
Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K. Raihan Ahmed,
Mr. Rudranil Das, ... for the opposite parties.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a suit for declaration and injunction and is directed against the order no. 126 dated April 07, 2022 passed by the 1st Court of learned Civil Judge (Junior Division), Tamluk, District: Purba Medinipur in the suit being Title Suit No. 90 of 2008.

The learned Trial judge by the order impugned has dismissed an application filed by the plaintiffs under Section 151 of the Code of Civil Procedure seeking recall of the P.W.-1 and P.W.-2

The plaintiff cannot be aggrieved by the closure of the evidence of P.W.-1 as it was done at the stage of cross-examination of the said witness.

The evidence of P.W. 2 was closed due to repeated default of the plaintiff to bring the said witness before the Court below.

The orders closing the evidence of the said witnesses were not challenged by the plaintiff, long time thereafter the

application for recalling of the said witness has been rightly dismissed.

This Court therefore does not find any reason to interfere with the order impugned.

CO 1397 of 2022 is dismissed without any order as to costs.

The learned Trial Judge is requested to expedite the disposal of the suit

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

(Biswajit Basu, J.)