

13.12.2022
Item No.2
Ct. No.7
CHC
(disposed of)

C.O.2533 of 2022

**Shri Swapan Shaw
Vs.
Md. Aftab Ansari & ors.**

Ms. Debjani Ghosal
...for the petitioner

Mr. Kajal Ray
...for the opposite party no.1

This revisional application is directed against the order dated 20th June, 2022, setting the matter for D.W. in Title Suit No.401 of 2015 of learned Civil Judge (Junior Division), 1st Court, Chandernagore, Hooghly, upon rejecting the prayer for adjournment of petitioner/plaintiff.

Admittedly, the suit was filed in the year 2015.

It is submitted by the learned advocate for the petitioner/plaintiff that some documents are necessary from Chandernagore Municipal Corporation to unfold version of the plaint, and such facts could not be duly appreciated by the court below, while rejecting the prayer for adjournment.

It is further submitted by the learned advocate for the petitioner that unless the petitioner is permitted to adduce evidence upon collection of some documents

from Chandernagore Municipality, there will be serious prejudice caused to the petitioner/plaintiff.

Mr. Kajal Ray, learned advocate appearing for the opposite party no.1 submits that the entire purpose of the petitioner is to cause delay to the disposal of case, and there has been sufficient adjournments granted by the court below enabling petitioner/plaintiff to produce the documents giving support to the version of the plaintiff.

It is thus submitted that the suit has already been posted for adducing defence witness on 6th March, 2019, which was rescheduled on 5th February, 2021 upon recalling the order dated 6th March, 2019 thereby giving last chance to petitioner/plaintiff to adduce further DWs, if any. Even after granting the last chance, such opportunities could not be utilized and, as such, neither any mercy, nor any leniency may be shown to the petitioner/plaintiff for his revealing conduct, as already exposed in the order impugned.

In reply to the submission of opposite party no.1, Ms. Ghosal submits that an accommodation of ten (10) days, if allowed, would be sufficient enough to produce the documents, to unfold the version of plaintiff case.

That being the position, the revisional application stands disposed of upon setting aside the impugned order, permitting the petitioner/plaintiff to produce all

his documents/witnesses, if there be any still left, before the end of January, 2023.

The logical conclusion of the suit may be reached without granting unnecessary adjournment, preferably before the end of April, 2023.

This would not however, prevent the opposite parties to challenge the veracity and authenticity of the documents, if any produced from the Chandernagore Municipality upon undertaking appropriate cross-examination for the purpose, apart from adducing evidence independently by the defendants/opposite parties.

With this observation/direction the revisional application stands disposed of.

Parties are directed to make communication of this order to the court below.

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.)