

05.07.2022
(D/L-17)
Ct.-18
(Susanta)

C.O. 4205 of 2019
With
I.A. No. CAN 2 of 2022

Satyadeb Ghosh
-Vs-
Shantana Ghosh

Md. Nure Jman,
Mr. Jahangir Badsha,
.... For the Petitioner.

Mr. Atarup Banerjee,
Ms. Poulami Roy,
.... For the Opposite Party.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for partition and is directed against the order no. 29 dated July 16, 2019 passed by the learned Civil Judge (Senior Division) at Kalna, District Purba Burdwan in the said suit being Title Suit No. 100 of 2017.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner praying recall of DW1.

The point on which the petitioner is seeking recalling of him as witness is covered in his evidence-in-chief, that apart the suit is at the argument stage.

The application of the petitioner for recalling him as the witness is highly mala fide and is aimed to delay the disposal of the suit.

C.O. 4205 of 2019 is dismissed with the costs of Rs. 5,000/- (Rupees five thousand) only to be paid by the petitioner to the opposite party within two weeks from date.

I.A. No. CAN 2 of 2022

In view of the dismissal of the revisional application, the instant application for extension of interim order has become infructuous and is accordingly dismissed 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.)