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CO No. 36 of 2023

**Md. Akbar @ Mohammad Akbar
versus
Sk. Shahidul Islam**

Mr. Shareq Siddique,
Mr. Shahanwaz Alam,
Ms. Gulafshan Parveen,
Ms. Malaika Ali For the petitioner.

This is an application challenging the order dated 24th August, 2022 whereby learned Civil Judge (Junior Division), 1st Court Sealdah rejected the application under Order 26 Rule 1 of the C.P.C. with a prayer for recording evidence of petitioner/defendant on commission.

Reason assigned by the learned Judge was that the defendant was under treatment for diabetic and hyper tension etc. but certificates did not state that petitioner was physically unfit to move out of the house to attend the court.

After careful perusal of the entire documents relied on behalf of the petitioner I am in agreement with the learned Trial Judge.

Considering the foresaid view of the matter, I do not find either any illegality or infirmity in the order itself.

The revisional application stands dismissed.

(Bibhas Ranjan De, J.)

