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RUP

13.03.
2023

C.O.281 of 2023

**Sanwarmull Agarwalla
Vs**

M/s Pragati Pratisthan Private Limited

Mr. Saptanshu Basu, Sr. Adv.
Mr. Ram Anand Agarwal,
Ms. N Pal,
Mr. Anand Gopal Mukherjee,
Ms. S. Ray

... For the petitioner.

Affidavit of service filed by the petitioner is taken on record.

The petition relates to prayer for setting aside the order dated 11th January, 2023, passed in Ejectment Suit No. 282 of 2017 by the learned Judge, 4th Bench, Presidency Small Causes Court, Calcutta, disallowing the prayer for re-cross-examination of PW-1 at the instance of the defendant.

From the impugned order, it is found that one application under Order 6 Rule 17 of the C.P.C. was allowed which was filed at the instance of the defendant and thereafter a petition was filed on behalf of the defendant for re-cross-examination of PW-1. The prayer was refused by the learned Judge, 4th Bench Small Causes Court, Calcutta.

Considering all facts and circumstances, I am of the opinion that opportunity of cross-examination should be given to the defendant on the date fixed by the learned Judge.

Petitioner/defendant is directed to appear before the Court on the date fixed by the learned Judge for cross-examination of PW-1, failing which learned Judge shall be at liberty to hear argument and deliver judgment.

The impugned order dated 11th January, 2023 passed in Ejectment Suit No. 282 of 2017 by the learned Judge, 4th Bench, Presidency Small Causes Court, Calcutta is set aside.

The learned Judge, 4th Bench, Presidency Small Causes Court, Calcutta is requested to fix a specific date for cross-examination of PW-1 at the instance of defendant without giving any unnecessary adjournment to any of the parties failing which the learned Judge will hear argument and deliver judgment.

Parties are directed to make communication of this order to the learned Judge, 4th Bench, Presidency Small Causes Court, Calcutta.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Bibhas Ranjan De, J.)

