

S/L 33
20.01.2023
Court. No. 12
Sourav

CO 570 of 2019

**Jahanara Bibi & Anr.
Vs.
Abul Hussain Mondal**

Mr. Kanai Lal Dutta

...for the petitioners.

Mr. Kanai Lal Dutta, learned advocate for the petitioners is present. One affidavit-of-service as filed in Court today by him be kept with the record.

None appears on behalf of the defendants/opposite parties in spite of service.

Accordingly, this Court has got no other alternative but to proceed with the instant revisional application *ex parte*.

In this revisional application, order dated 03.12.2018 as passed by the learned Civil Judge (Junior Division), 3rd Court, Krishnagar, Nadia in Title Suit No. 25 of 2017 has been assailed. By the impugned order, learned trial court rejected the prayer for time and thus closed the evidence of P.W. 3.

Learned advocate for the plaintiffs/petitioners submits before this Court that in the event, the impugned order is not set aside and in the event, the said P.W. 3 is not permitted to adduce evidence/further evidence, the interest of the present plaintiffs/petitioners in Title Suit No. 25 of 2017 will be seriously hampered.

On perusal of the certified copy of the impugned order and after hearing the learned advocate for the plaintiffs/petitioners, this Court finds sufficient justification

in the submission of Mr. Dutta, learned advocate for the petitioners.

Accordingly, the impugned order dated 03.12.2018 as passed by the learned Civil Judge (Junior Division), 3rd Court, Krishnagar, Nadia in Title Suit No. 25 of 2017 is hereby set aside.

Learned trial court is hereby directed to fix a date for adducing evidence of P.W. 3 positively within a fortnight from the date of communication of this order. It is, however, made clear that advance copy of the affidavit as to examination-in-chief of P.W. 3 shall have to be served upon the learned advocate for the defendants at least seven days ahead from the date of filing of the said affidavit as to examination-in-chief of P.W. 3 before the learned trial court.

Learned trial court is further directed to conclude the examination-in-chief and cross-examination of P.W. 3 on a single day.

With the aforementioned observation, the instant revisional application being **CO 570 of 2019** is disposed of.

Interim applications, if any, as filed in connection with the instant revisional application stand hereby disposed of.

Parties to act on the server copy of this order. Department is directed to forward a copy of this order to learned trial court forthwith.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Partha Sarathi Sen, J.)