

August 17, 2023
Sl. No.15 & 16
Court No.19
s.biswas

CO 1188 of 2023

With

CO 1190 of 2023

Satramdas Dhalamal

vs.

The Life Insurance Corporation of India and another

Mr. Manawendra Singh Yadav

Ms. Saswati Ghattejee

Ms. Satabdi Naskar (Kundu)

... for the petitioners

Mr. Kushal Chatterjee

Mr. Mohan Lal Banerjee

Mr. Saptarshi Kumar Mal

... for the opposite parties

Re : CO 1188 of 2023

This revisional application has been filed challenging the orders dated August 24, 2021 and September 22, 2022 passed by the learned Estate Officer, Life Insurance Corporation of India, Eastern Zonal Office, Kolkata, in case NO.EO/308/1104.

By the orders impugned, the learned Estate Officer closed the evidence of PW1 and also rejected the application for recall of PW1 for further cross-examination.

Learned advocate for the petitioners/opposite parties submits that during the COVID period, short durations had been assigned for the purpose of cross-examination. The proceedings were continuing for a limited period on the dates fixed.

It is further submitted that only a single chance to cross-examine the PW1 and complete the same to the satisfaction of the petitioner, would suffice.

It appears that the learned court closed the evidence of PW1. Three days were provided for such cross-examination. The application for recall of PW1 was rejected only on the ground that the Life Insurance Corporation of India opposed such prayer. No other reason had been assigned.

Under such circumstances, this court is of the view that the decision of the learned Estate Officer does not reveal why the prayer for recall of the PW1 for cross-examination was refused. Neither any mala fide nor any attempt to fill up the gaps or lacuna in the evidence, has been recorded.

Under such circumstances, this court is of the view that one last chance should be given to the petitioner to cross-examine the PW1, upon recalling him. Such cross examination shall take place on August 25, 2023 between 3 p.m. and 5 p.m. The PW1 shall thereafter be discharged. The witness action of the opposite parties shall be completed with August 31, 2023.

The revisional application is thus disposed of.

Re : CO 1190 of 2023

This revisional application is disposed of with the following directions:

The examination-in-chief and the cross-examination of the opposite parties will be completed within August 31, 2023. The dates and time shall be

fixed by the learned Estate Officer. Thereafter, the issue of maintainability will be decided within a month from completion of the witness action and the application shall be disposed of first.

The impugned order is modified to such extent. On the outcome of the application, the Estate Officer will proceed according to law.

These two orders shall not prevent the parties from negotiating the rent which would be legitimate and suitable in respect of the premises in question. The proceedings shall continue in accordance with law.

(Shampa Sarkar, J.)