

16.10.2023
Sl. No.9(DL)
srm

C.O. No. 3004 of 2023

Vinod Singh

Versus

Pritepal Singh & Anr.

Mr. Manas Kumar Barman

...for the Petitioner.

Mr. Souradipta Banerjee

...for the Opposite Parties.

This Court is of the view that the order dated August 9, 2023 passed by the learned Judge, 2nd Bench, Presidency Small Causes Court at Calcutta in connection with Ejectment Suit No.145 of 2018 ought to be set aside by allowing an opportunity to the petitioner to produce Mr. Badri Narayan Bhattacharya, Barrister-at-law, High Court, who was appointed as a learned Receiver in CS No.163 of 1977. CS No.163 of 1977 has since been dismissed. The petitioner shall be allowed to produce Sri Bhattacharya as his witness to tender evidence.

The learned Receiver will be produced by the petitioner as his own witness and not as summoned witness. The petitioner will bear the cost in case the learned Receiver has to be brought to the court premises, in an ambulance. The

learned court below shall fix a particular day when the evidence in chief and cross-examination of the learned Receiver shall be held and completed. If the witness is unwilling or does not appear on the day fixed by the learned court, no further opportunity will be given to the petitioner and evidence of the plaintiffs will proceed. Upon completion of the evidence of the learned Receiver, the suit shall proceed.

The order impugned is set aside.

It is made clear that the application under Section 7(2) of the Code of Civil Procedure shall be disposed of within a month from the completion of the evidence of the parties.

The observations of the learned court below with regard to the evidence and rent receipts being on record, are not gone into.

The revisional application is disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)