

19.12.2023
Sl. No.66(DL)
srm

C.O. No. 4005 of 2023

Nawal Rajak (Baitha)

Versus

Sri Joy Prakash Singh

Mr. Chittaranjan Chakraborty,
Mr. Dip Jyoti Chakraborty,
Mr. Sumit Banerjee

...for the Petitioner.

Mr. Gopal Chandra Ghosh,
Mr. P.K. Banerjee,
Ms. Indrani Nandi

...for the Opposite Party.

The revisional application is disposed of with a direction upon the learned Civil Judge (Junior Division), Additional Court, Hooghly, to allow the petitioner to cross-examine the plaintiff/decreed-holder, in Misc. Case No.10 of 2016 arising out of Title Execution No.02 of 2015, on a single day upon payment of cost of Rs.20,000/- to the plaintiff.

The cost is being imposed upon perusal of the dilatory tactics adopted by the defendant, who had already suffered a decree of eviction. Further, the nature of cross-examination with regard to the character of the mother of the plaintiff is condemned. The plaintiff has been put to unnecessary harassment even after having a decree in his favour. It also

appears that no appeal from the said decree has been filed by the defendant/judgment-debtor.

The misc. case is an application under Section 47 of the Code of Civil Procedure which has been filed by the defendant challenging the satisfaction, execution and discharge of the decree. Such application shall be disposed of within a period of two months from the next date fixed, allowing the cross-examination of the plaintiff/decreed-holder on a single day by the defendant, subject to compliance of this order of payment of cost. The cost shall be paid to the plaintiff or plaintiff's learned Advocate in the learned court below within January 5, 2024.

The petitioner shall pray before the learned court by filing a put up petition on the basis of the server copy of this order, upon service of the same to the plaintiff, for fixing the date.

Within this order, 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.)