

11.01.2023
Item No.20
Ct. No.7
CHC
(disposed of)

C.O. 3815 of 2022

Mrs. Siuli Ghosh & anr.
Vs.
Mrs. Chhaya Nandy & ors.

Mr. Nilanjan Bhattacharjee,
Mr. Rishav Kumar Thakur,
Mr. Abhilash Chatterjee,
Mr. Saikat Dey

...for the petitioners

Mr. Kaushik Dey,
Mr. Soumyajit Mishra

...for the opposite parties

The impugned order dated 30th September, 2019, closing the cross-examination of P.W.1 upon rejecting the prayer for adjournment is under challenge in this case.

Admittedly, it is a suit for eviction taking grounds, as available under Section 6 of the W.B.P.T. Act including the reasonable requirement point.

While assailing the impugned order, learned advocate appearing for the petitioners submits that there may be some laches on the part of the defendants in conducting cross-examination of P.W.1, but the same should not be critically viewed, causing deprivation to the valuable rights of the defendants, so far as the cross-examination of a witness is concerned.

Mr. Kaushik Dey, learned advocate appearing for the opposite parties, upon supporting the order of the court below submits that the defendants have been granted sufficient time to make cross-examination of P.W.1, which could not be effectively utilized, and as a result thereof, the Court found no other alternative, but to close the cross-examination of P.W.1.

Having considered the submission of both sides, and also on perusal of the impugned order, it appears that the cross-examination has been taken in part, but the further cross-examination could not be allowed to be conducted for an adjournment being proposed by the petitioners/defendants. The veracity of the statement disclosed by the P.W.1 in its affidavit-in-chief needs to be tested undertaking cross-examination for the purpose in order to set at rest the controversy surfaced at the moment.

Mr. Bhattacharjee, submits at this stage that defendants would finish the cross-examination on the next date already scheduled by the court below.

The revisional application stands disposed of upon setting aside the impugned order, permitting the petitioners to undertake cross-examination, on the date already scheduled by the court below, and the logical conclusion of the suit may be reached at an early date, providing both the parties a reasonable

opportunity to adduce their respective evidence during trial, preferably before the end of Puja Vacation of the court below for the year 2023.

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

Petitioners are directed to make communication of this order to the learned court below as well as to the opposite parties and their learned advocate in the court below.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)