

Item No.6
05.03.2024
Court. No. 19
GB

C.O.411 of 2024

Sri Vivekananda Sur
VS
Suchitra Sur & Anr.

Mr. Subhendu Bandyopadhyay,
Mr. Arindam Mitra

...for the Petitioner.

Mr. Bidyut Kumar Banerjee

...for the Opposite Parties.

The orders impugned dated April 10, 2023 and June 14, 2023, are subject matters of challenge before this Court.

By the order dated April 10, 2023, the learned Additional District Judge, 1st Court at Barasat held that the date for evidence of CID, Bhabani Bhavan, shall be fixed after the evidence of the plaintiff. The representative of the CID, Bhabani Bhavan is a summoned witness. The defendant had prayed for summoning of such witness.

By the order dated June 10, 2023, the report filed by the hand writing expert was taken on record and marked as Exhibit-A. He was examined in chief, but there was none to cross-examine the witness. On the same day, a petition was filed by the plaintiff supported by an affidavit along with fresh Vakalatnama praying for withdrawal of the suit on the ground stated therein. The learned court fixed a date for hearing of the application for withdrawal of the suit.

In the first order, I do not find any irregularity as the learned court had fixed a date for examination of the summoned witness after the evidence of the plaintiff. In the

second order, the examination of the hand writing expert before the examination of the plaintiff, was allowed and the document was marked as an exhibit. The plaintiff did not cross-examine the hand writing expert. Instead, the plaintiff prayed for withdrawal of the suit. The said application has been fixed for hearing. If the plaintiff wants to withdraw his suit as indicated in the order, the validity of the order becomes irrelevant till such application is decided. Thus, the order dated June 14, 2023 is not interfered with at this stage.

Thus, the revisional application is disposed of without any orders.

Parties are at liberty to take steps before the learned court, in accordance with law. The petitioner may take appropriate steps at the appropriate stage.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)