

Item No. 18
27.02.2024
Court. No. 19
GB

C.O. 534 of 2024

Smt. Anita Rakshit
Vs.
Smt. Madhabi Mallick & Ors.

*Mr. Sayan Sinha,
Mr. Adil Naser,
Mr. Soham Kumar*

...for the Petitioner.

*Mr. Rajdip Bhattacharya,
Mr. Debapratim Guha,
Mr. Anchinta Sarkar*

...for the Opposite Parties.

The revisional application arises out of an order dated January 9, 2024, passed by the learned Judge in-Charge, IXth Bench, City Civil Court at Calcutta in Title Suit No.35499 of 2014. By the order impugned, the learned court closed the evidence of the defendant. The evidence of the petitioner/defendant, was closed.

The petitioner submits that the learned court did not take into consideration the fact that the petitioner's daughter was critically ill and was undergoing a surgical procedure at Bangalore. On account of such illness, the petitioner could not get in touch with her learned advocate and could not take proper steps in the suit.

In my opinion, such ground is a reasonable ground for recalling of the order which is impugned before this Court. However, it appears that the defendant had also missed some dates in 2022. Even the affidavit-in-chief was not filed.

Under such circumstances, the plaintiffs deserve to be compensated with cost.

The affidavit-in-chief will be filed by the defendant within three weeks from date. Then the defendant will be allowed to adduce evidence. The examination-in-chief of the defendant as also the cross-examination will be concluded within the next two months.

Such order is being passed, provided the defendant pays a sum of Rs.20,000/- to the plaintiff as cost for the delay caused and for the suffering of the plaintiff, who has been pursuing the suit for eviction of a licensee, since 2014. The cost will be paid within two weeks from date.

Upon the court being satisfied that the cost has been paid, the order of this Court shall become effective. Needless to mention, the suit shall be disposed of within the next six months.

Accordingly, the revisional application is disposed of.

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

(Shampa Sarkar, J.)