

02.07.2024
(M/L-23)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 765 of 2024

Tyab Khan @ Taiyab Khan
-Vs-
Sahabana Khatun & Ors.

Mr. Arup Krishna Das,
... For the Petitioner.

Affidavit-of-service and the certified copy of the order impugned filed by Mr. Das, learned advocate for the petitioner, be kept with the record.

None appears on behalf of the opposite parties in spite of service.

The defendant no.1 in a suit for declaration of title and injunction is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against the order no. 70 dated February 7, 2024 passed by the 3rd Court of learned Civil Judge (Junior Division) Asansol, District-Paschim Bardhaman in the said suit being Title Suit no. 107 of 2015.

The learned Trial Judge by the order impugned has closed the evidence of the defendants and has fixed the date for argument.

The recording of the evidence of the defendants though was started in the year 2018

but could not be completed because of the defendants' non-co-operation, under such circumstances, the closure of the evidence of the defendants is well justified, the order impugned, therefore, does not call for any interference.

C.O. 765 of 2024 is thus dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)