

22.04.2024
Ct. No. 19
Sl. No. 27
Cp

C.O. No. 904 of 2024
Farida Khalique & Ors.

Vs.

Kasai Bustee Maszid Committee & ors.

Mr. Tarak Nath Halder

... for the petitioners.

Mr. Shibaprasad Ghosh
Ms. Srijani Mukherjee

....for the opposite parties.

The revisional application arises out of an order dated January 16, 2024, passed by the learned Civil Judge (Junior Division), 1st Court, Sealdah in Title Suit No.103 of 2010.

The order impugned suffers from material irregularity.

The learned court closed the evidence of the plaintiffs. The prayer for an adjournment was refused by the learned court and the matter was fixed for evidence of DW.

Mr. Halder, learned advocate for the petitioners, submits that evidence of PW should not have been closed without any reason. The prayer for adjournment was made on the ground that the learned advocate's daughter was undergoing an operation.

Mr. Ghosh, learned advocate for the opposite parties, submits that the defendant nos. 1 and 2 have been dragged to court in 2011 by the plaintiffs and they have been suffering due to the long pendency of the suit. Innumerable prayers had been made for adjournment at the behest of the plaintiffs. Finding no other alternative, the learned court closed the evidence of plaintiffs.

Having considered the rival contentions, this court finds that the order impugned, does not clearly discuss as to why the evidence of PW should be closed. Although there is a passing reference to the fact that as several adjournments had been prayed for, no further adjournment should be granted, although this court agrees that the learned Trial Judge had no other option in view of the conduct of the plaintiffs, but justice demands that the plaintiffs should be allowed to prove their own case through evidence.

Under such circumstances, the order impugned is set aside.

The learned court is directed to allow the other PWs to adduce evidence. No adjournments will be prayed for by any of the parties.

Although, Mr. Halder submits that there was a reasonable ground for seeking adjournments on account of operation of the daughter of the learned advocate, this court finds that since 2011 the suit has been pending. The

suit shall proceed analogously with Title Suit No.04 of 2010.

The revisional application is accordingly disposed of.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)