

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. 963 of 2024

**Deb Kumar Khan
Vs.
Sajal Krishna Dey**

Mr. Tarak Nath Halder ... For the petitioner.

Mr. Subhankar Biswas,
Mr. Gouras Ghosh ... For the opposite party.

The defendant in a suit for recovery of possession is the petitioner of the instant application under Article 227 of the Constitution of India, which is directed against the order dated March 01, 2024 passed by the Additional Court of learned Civil Judge (Junior Division) at Sealdah, District: 24 Parganas (South), in the said suit being *Title Suit No. 637 of 2018*.

The learned Trial Judge by the order impugned, for the repeated default, has closed the evidence of D.W/1 and has fixed the suit for argument.

Mr. Halder, learned advocate for the petitioner submits that the said witness was seriously ill and as a consequence could not appear on the dates fixed for recording of his evidence; he would be seriously prejudiced if not allowed to adduce evidence.

Mr. Halder further submits that the evidence-in-chief is ready; he files a copy of it which is taken on record, he also

supplies a copy to Mr. Biswas, learned advocate for the opposite party.

This Court is informed that *August 21, 2024* is the next date fixed in the suit to enable the defendant to tender the said evidence-in-chief on the said date; the order impugned is set aside.

The defendant shall tender and conclude his evidence-in-chief on the said date itself. In the event such exercise could not be completed on the said date, the same must be completed within *seven days* thereafter.

The defendant upon completion of his examination-in-chief shall immediately offer himself for the cross-examination.

C.O. 963 of 2024 is thus disposed of with the above terms 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.)