

05.09.2024
Item No.28 DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 1699 of 2024

Sm. Abha Rani Sarkar

-Vs-

Kausani Sarkar & Ors.

Mr. Shyamal Chakraborty,
Mr. Debajyoti Mandal.
....for the petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite parties, as such, service of notice of the present application upon the said opposite parties is dispensed with.

The plaintiff in a suit for cancellation of a deed of gift is the petitioner of the instant application under Article 227 of the Constitution of India.

The said suit being Title Suit No.612 of 2021 is pending before the 3rd Court of the learned Civil Judge (Senior Division) at Howrah.

In view of the old age of the plaintiff, her evidence has been directed to be recorded on Commission. The evidence-in-chief of the plaintiff has already been recorded, she is complaining delay in completion of recording of her cross-examination.

It appears from the record that considering the incapacity of the plaintiff to come to Court, her prayer for appointment of Commissioner for the purpose of recording her evidence was allowed on July 24, 2023, the appointment of the Commissioner would be

frustrated if the recording of her evidence is not concluded within a reasonable time.

The learned Trial Judge, therefore, is requested to ensure conclusion of recording of the cross-examination of the said witness within a period of three weeks from the date of communication of this order.

The petitioner is directed to send copy of this order to the opposite parties immediately.

C.O. 1699 of 2024 is disposed of with the above terms without any order as to costs.

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

(Biswajit Basu, J.)