

14.08.2024
Item No.13 DL
Ct.19
A.J.

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

C.O. 2664 of 2024

Nepal Biswas & Anr.

-Vs-

Anita Biswas & Anr.

Mr. D.N. Chatterjee,
Mr. Ramkrishna Biswas,
Mr. Santanu Mondal.
.....for the petitioners.

Affidavit of service filed on behalf of the
petitioner be kept with the record.

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

Mr. D.N. Chatterjee, learned advocate for the
petitioner submits that the learned advocate Mr.
Mityun Karmakar, in compliance with the direction
passed this Court on August 08, 2024, has already filed
affidavit tendering his apology to the learned Trial
Judge on June 06, 2024.

The defendants in a suit for compensation are
the petitioners of the instant application under Article
227 of the Constitution of India.

The said suit being *Money Suit No. 3 of 2019* is
pending before the learned Civil Judge (Senior
Division) at Ranaghat, District: Nadia.

The learned Trial Judge by the order impugned
being Order No.20 dated June 06, 2024 has closed the
evidence of P.W.2 without allowing the defendants to
complete their cross-examination.

It appears that such situation arose due to the conduct of the learned advocate for the defendants in the Court below on the said date; the issue since has been resolved, an opportunity is afforded to the defendants to complete the cross-examination of the P.W.2 on the next date fixed in the suit.

To facilitate the said exercise, the order impugned is set aside.

Mr. Chatterjee informs this Court that September 18, 2024 is the next date fixed in the suit.

The learned Judge, on the said date, shall allow the defendants to cross-examine the P.W.2, but such cross-examination must be concluded on the same date; in default, the evidence of the said witness shall stand closed.

C.O. 2664 of 2024 is disposed of with the above observations 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 copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)