

20.09.2024
(D/L-11)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 3295 of 2024

Ratna Chatterjee
-Vs-
Sovan Chatterjee

Mr. Aniruddha Chatterjee,
Mr. Koel Mukherjee,
Mr. Anurag Sardar,
Mr. Mahfuz Murshed,

... For the Petitioner.

Mr. Jaydeep Kar, Sr. Adv.,
Mr. Susanta Biswas,
Mr. Bikash Shaw,
Mr. Nilankan Banerjee,

.... For the Opposite Party.

The petitioner is the sole defendant of the Money Suit no. 590 of 2021 pending before the 7th Court of learned Civil Judge (Senior Division), Alipore, District: 24-Parganas (South).

The learned Trial Judge, by the order impugned dated August 06, 2024 has closed the evidence of the P.W.₁ as the petitioner had refused to cross-examine the said witness and had insisted on sending the parties to mediation.

Mr. Chatterjee, learned advocate for the petitioner submits that there is no harm in exploring the course of mediation at any stage of the proceeding, such prayer should not lead to a consequence of closure of the right of the defendant to cross-examine the plaintiff.

Mr. Kar, learned Senior advocate for the plaintiff, the opposite party herein submits that the prayer for mediation was not so naïve as sought to be portrayed by Mr. Chatterjee,

it was aimed to delay the disposal of the suit. The petitioner even has failed to adduce evidence, as a consequence, her evidence has also been closed.

Having heard the learned advocate for the parties and on perusal of the records, this Court is of the opinion that the defendant, for the ends of justice, should be given a chance to cross-examine the P.W.₁ and to adduce her evidence but such exercise must be carried out in a time-bound manner.

This Court is informed by the learned advocate for the parties that September 30, 2024 is the next date fixed in the suit.

The learned Trial Judge is requested to take up the connected suit on two consecutive dates i.e. *September 30, 2024*, the date already fixed and *October 01, 2024*.

The plaintiff, on the said two dates, shall make himself available for the cross-examination by the defendant. The defendant must conclude the said cross-examination within the said two dates, in default, the evidence of the said witness shall stand closed.

Immediately upon the completion of the said cross-examination, the defendant shall tender her evidence-in-chief and shall make herself available for the cross-examination by the plaintiff.

To facilitate the aforesaid exercise, the order impugned so far as it relates to the closure of cross-examination of P.W.₁, is set aside.

To implement the aforesaid direction, subsequent order(s) of the learned Trial Judge closing the evidence of the defendant stands modified.

C.O. 3295 of 2024 is 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.)