

16.05.2024
Ct. No. 19
Sl. No.189
Cp

C.O. No. 3292 of 2023
With
CAN 1 of 2024

Sri Ajoy Saha

Vs.

Smt. Madhuchhanda Saha

Mr. Sovan Mukherjee

.....for the petitioner.

Mr. Tarak Nath Halder

....for the opposite party.

By order dated July 27, 2023, the learned Civil Judge (Junior Division), 2nd Court, Sealdah rejected an application filed under Section 151 of the Code of Civil Procedure. The petitioner/defendant prayed for recall of the order dated May 19, 2023. By order dated May 19, 2023, the evidence of DW was closed. The ground for recall was that the DW was unwell and was undergoing treatment.

Mr. Halder, learned advocate for the opposite party, submits that the DW had tried to avoid the court, in order to delay the proceeding. This is a suit for eviction under Section 2(g) of the West Bengal Premises Tenancy Act, 1997.

Considering the rival contentions of the parties, this court is of the view that the orders dated May 19, 2023 and July 27, 2023 should be set aside for the ends of justice. The cross-examination of DW shall be held, on

the dates to be fixed by the court. Thereafter, the learned court shall proceed with the suit and dispose of the same within six months from closure of evidence. The suit has been carrying on for a while. The petitioner shall not be granted unnecessary adjournments.

This court has not expressed any opinion on the merits of the case and counter-case of the parties. The learned court shall proceed independently and in accordance with law.

The revisional application is accordingly disposed of. There shall be no order as to costs.

With such disposal, the application being CAN 1 of 2024 is also disposed of.

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

(Shampa Sarkar, J.)