

S/L 5
04.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 3989 of 2023

Sri Sandip Banerjee @ Bandopadhyay & Ors.
Vs.
Shri Somenath Sadhukhan

Mr. Nikhil Kr. Gupta

...for the Petitioners.

Ms. Shila Sarkar

...for the Opposite Party.

The matter has been brought to the list for extension of interim order but by the consent of the parties, it is taken up for final disposal.

The plaintiffs in a suit for eviction are the petitioners of the instant application under Article 227 of the Constitution of India which is directed against order dated September 19, 2023 passed by the 3rd Court of learned Civil Judge (Junior Division), Burdwan in the said suit being *Title Suit No.59 of 2018*.

The learned Trial Judge by the order impugned has allowed the prayer of the defendant to recall his first witness in connection with the applications under Section 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997.

The cross-examination of the said witness is over; at this stage, the learned Trial Judge should not have allowed the prayer for recall of the said witness; the order impugned is therefore set aside.

The learned Trial Judge is requested to dispose of the applications under Section 7(1) and 7(2) of the said Act

of 1997 expeditiously without giving any unnecessary adjournment to either of the parties.

CO 3989 of 2023 is thus disposed of 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 upon compliance with all requisite formalities.

(Biswajit Basu, J.)