

13.05.2024
Sl. No.19(DL)
srm

C.O. No. 4251 of 2023

Ram Ajoy Shaw

Versus

Kanai Das & Ors.

Mr. Tarak Nath Halder

...for the Petitioner.

Mr. Chiranjib Sinha,
Mr. Dyutiman Banerjee

...for the Opposite Parties.

1. Affidavit-of-service be taken on record.
2. The learned Civil Judge (Junior Division), 1st Court at Sealdah, shall ensure issuance of summons in proper form upon the summoned witness sought to be examined at the risk of the petitioner. Steps shall be taken immediately, by ensuring that summons with the date and time when the witness should appear to depose in Title Suit No.960 of 2018, is issued. If the summoned witness does not appear on the date and the court is satisfied that the witness had avoided to depose even after receiving summons, the suit shall proceed from the stage of arguments.

3. The order impugned is set aside, as this Court finds that the summons which have been annexed to this revisional application do not indicate the date and time when the summoned witness was required to appear before the court to adduce evidence as DW.
4. The learned court shall make an endeavour to dispose of the suit within four months.
5. The revisional application is, thus, disposed of.
6. There shall be no order as to costs.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)