

18.12.2024
Ct. No.22
Sl.No.18
KB

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 4310 of 2023
with
IA No. CAN 1 of 2024

Pradipta Chakraborty
Vs.
Sanjib Sabui & Ors.

Mr. Tarak Nath Halder
... For the petitioner.

Mr. Sanat Kumar Biswas
... For the Opposite Parties.

In Re : CO 4310 of 2023.

1. Affidavit of service is filed and taken on record.
2. This revisional application has been filed assailing the Order dated 27th September, 2023 passed in connection with Ejectment Suit No. 74 of 2008 wherein Learned Civil Judge (Junior Division), First Court, Sealdah disallowed the prayer for examination of D.W.1 on the ground that on behalf of the defendant no affidavit-in-chief was filed.
3. Both the Learned Counsel for the parties are *ad idem* that opportunity should be given to the defendant to adduce evidence and in support of their submission, the initial order dated 20th December, 2023 passed by the Co-ordinate Bench is drawn to my attention.

4. Co-ordinate Bench observed as follows:-

“Prima Facie, it appears to this Court that one last chance should have been given to the defendant No.1 to adduce evidence upon payment of cost to the plaintiffs”.

5. Considering all facts and circumstances, the order impugned in this revisional application stands set aside.

6. Learned Civil Judge (Junior Division), First Court, Sealdah is requested to fix a date for evidence within two weeks after Vacation and to dispose of the suit preferably within twelve weeks.

7. With the aforesaid observation, the revisional application being C.O. 4310 of 2023 stands disposed of.

8. Pending application being CAN 1 of 2024 also stands disposed of.

9. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Bibhas Ranjan De, J.)