

Sl.3
01.08.2025
Court No.6
BP

C.O. 194 of 2024
With
CAN 3 of 2024
CAN 4 of 2025

Smt. Minakshi Seal
-versus-
Sri Swapan Kumar Mullick & Ors.

Mr. Prodyut Banerjee
Mr. Dhrubaraj Bhowmik
Mr. Ankit Misra
... for the petitioner

Ms. Debjani Sengupta
Ms. Divya Agarwal
..for the opposite parties

Affidavit of service filed in Court today is taken on record.

Though this matter is appearing under the heading “Extension of Interim Order” but with consent of the learned advocates for the respective parties the main civil revisional application is taken up for consideration.

This application under Article 227 of the Constitution of India is directed against an order being no. 61 dated 18th December, 2023 passed by the learned Judge-In-Charge, Bench IV, City Civil Court at Calcutta in O.C. No. 26 of 2018.

By the order impugned the application under Order 18 Rule 17 of the Code of Civil Procedure stood rejected and a date was fixed for arguments.

The learned advocate appearing for the petitioner submits that the petitioner wants to adduce further

evidence. He further submits that the application for recalling was filed only for the purpose of ascertaining as to whether the D.W.3 wish to produce more witness in the matter or not.

Learned advocate appearing for the opposite parties submits that the D.W.3 during her cross examination has specifically deposed that no one else will depose in this suit.

After going through the cross examination of D.W.3 dated November 17, 2023 this Court finds that the D.W.3 has specifically stated that no one else will depose in the court. It is well settled that recalling of witness should not be permitted in order to fill up the lacuna in evidence. It is not in dispute that D.W.3 was examined on dock and she admitted that no one else will depose in the suit.

For such reasons, this Court is not inclined to allow the prayer for recalling of witness in order to change the specific answer given by a witness in her cross examination.

The impugned order does not suffer from any infirmity warranting interference under Article 227 of the Constitution of India.

C.O. 194 of 2024 stands dismissed. The application being CAN 4 of 2025 stands disposed of accordingly.

Re: CAN 3 of 2025

It has been submitted by the learned advocates for the respective parties that CAN 3 of 2025 has already been disposed of earlier.

Record reveals that CAN 3 of 2025 was disposed of by an order dated 2nd May, 2025. In view thereof, no further order is required to be passed on such application.

The Registrar,I.T. is requested to see that CAN 3 of 2025 is not shown to be pending in the docket of this Hon'ble Court any further.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)