

Court No. 6
(265719)

03.03.2025
(A 20)
(S. Banerjee)

CO 263 of 2025

Papu Sah & Ors.
Vs.
Anima Das & Ors.

Mr. Asis Bhattacharyya

...for the petitioners

Mr. Tanmay Kumar Dey
Mr. Debnath Ganguly
Mr. Rajarshi Mitra

...for the opposite parties

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

This application under Article 227 of the
Constitution of India is at the instance of the
defendant and is directed against an order, being no.
100 dated July 3, 2024, passed by the learned Judge,
13th Bench, City Civil Court at Calcutta in Title Suit
No. 1180 of 2015. By the order impugned the prayer
of the opposite parties herein for recalling PW-1 stood
allowed.

Learned advocate appearing for the petitioners
submits that the written notes of argument has been
filed and the opposite parties herein have filed the
application for recalling the PW-1 in order to cure the
defects which have been mentioned in the written
notes of argument.

Learned advocate for the opposite parties submits that only written notes of argument have been filed but the parties are yet to advance their oral arguments before the learned trial Judge.

The plaintiff no. 2 has deposed as PW-1 and it has been stated in the application that the original title deed of the suit building is in possession of the developer. Accordingly, the prayer for recalling PW-1 has been made to produce the original title suit of the suit building.

The opposite parties herein have prayed for a declaration of their title and for permanent injunction in the instant suit.

In such a suit the title deed of the property in question is a relevant document and, therefore, this Court is of the considered view that the learned trial Judge was right in allowing the application for recalling the PW-1.

For such reason, this Court is not inclined to interfere with the order impugned.

Learned advocate for the opposite parties submits that March 10, 2025 has been fixed for evidence of PW-1 on recall.

In view thereof, CO 263 of 2025 is disposed of by requesting the learned Judge, 13th Bench, City Civil Court at Calcutta to take up the examination of PW-1 on recall on the next date fixed, i.e., on March 10, 2025 and to dispose of the suit as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

(Hiranmay Bhattacharyya, J.)