

Court No. 6
(265719)

07.03.2025
(AD 35)
(S. Banerjee)

CO 343 of 2025

Allen Reberio
Vs.
Kutubuddin Ahmed

Mr. Wasim Ahmed
Md. Kashif

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against the order dated December 6, 2024 passed by the learned Civil Judge (Jr. Division) 2nd Court at Alipore in Ejectment Suit No. 34 of 2014. By the order impugned the application filed by the petitioner under Section 151 of the Code of Civil Procedure praying for recalling of the order no. 111 dated November 20, 2024 and to allow the petitioner to adduce further evidence, stood rejected.

Learned advocate for the petitioner submits that a last opportunity be given to the petitioner to produce the payment receipts, copy of which was tendered in evidence and marked as 'X' for identification.

It appears from the record that the suit was fixed on November 12, 2024 for further examination in chief of DW-1 on recall as last and final chance. On

that date the petitioner filed another application praying for an adjournment of the suit on the ground that the learned Senior Advocate is unwilling to continue with the matter due to sudden illness. Thereafter the petitioner has filed an application under Section 151 of the CPC.

The learned Judge after taking into consideration the said application found that there was nothing mentioned therein that the adjournment was sought to procure the certificate of the PayTM agent. Learned trial Judge further recorded that the defendant is trying to drag the proceedings. However, the learned trial Judge granted liberty to the petitioner to file the payment receipts by way of *firisti* in compliance of the order dated November 15, 2022.

In view thereof, this Court is of the considered view that the interest of the petitioner has been sufficiently protected by the order impugned. For such reason, this Court is not inclined to interfere with the order impugned.

With the above observations and directions CO 343 of 2025 stands disposed of without, however, any order as to costs.

(Hiranmay Bhattacharyya, J.)