

Sl. 8 & 1442
28.04.2025
Court No.6
BP

C.O. 491 of 2025

M/s. P.C. Chandra Jewellers Private Limited
-versus-
Biswajit Majumder & Ors.

With
C.O. 440 of 2025

Mr. Shuvasish Sengupta
Mr. Ankit Dey
..for the petitioners

Mr. Kukteswar Maity
Mr. J. Chakraborty
Ms. Manika Sarkar
..for the opposite parties

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

C.O. 491 of 2025 is appearing in the daily supplementary list under the heading “Extension of Interim Order”. With the consent of the learned advocates for the respective parties, the main civil revisional application being C.O. 491 of 2025 is taken up for consideration.

Learned advocate appearing for the petitioner in C.O. 491 of 2025 submits that challenging an order dated 17th January, 2025 the petitioner has preferred another civil revisional application being C.O. 440 of 2025 which is appearing in the Combined Monthly List. A copy of such application has been served upon the learned advocate for the opposite party in Court today (28.04.2025). With the consent of the learned advocates for the respective parties

C.O. 491 of 2025 and C.O. 440 of 2025 are taken up for analogous hearing as identical issues of fact and law are involved therein.

These civil revisional applications are at the instance of the first defendant. The learned trial judge passed an order dated January 17, 2025 thereby directing closure of the evidence of P.W.-1 on the ground that the defendant no.1/petitioner herein refused to cross-examine the P.W.-1. Such order is under challenge in C.O. 440 of 2025. The petitioner filed an application under Section 151 of the Code of Civil Procedure praying for recalling the order dated 17th January, 2025. The learned trial judge, by the order dated January 30, 2025, kept the said application with the record and fixed the next date in the suit. Challenging the order dated January 30, 2025, the petitioner has filed C.O. 491 of 2025.

The learned advocate appearing for the petitioner submits that the petitioner prayed for an adjournment of cross-examination of P.W.-1 on the ground that they have filed an application under Section 10 of the Code of Civil Procedure.

The learned advocate appearing for the opposite party submits that the petitioner is trying to delay the hearing of the suit as they have filed the application under Section 10 of the Code of Civil Procedure after ten years.

However, without entering into the merits of the ground on which the petitioner prayed for an adjournment

on 17th January, 2025, this Court is of the considered view that the interest of justice would be sub served if the learned trial judge is directed to take up the hearing of the application under Section 151 of the Code of Civil Procedure filed by the petitioner herein praying for recalling of the order dated 17th January, 2025.

It has been uniformly submitted by the learned advocates for the respective parties that the next date in the suit has been fixed on June 9, 2025.

In the light of the submissions made by the learned advocates for the respective parties, C.O. 440 of 2025 and C.O. 491 of 2025 are disposed of by requesting the learned trial judge to take up the hearing of the application under Section 151 of the Code of Civil Procedure filed by the petitioner herein praying for recalling of the order dated 17th January, 2025 on the next date fixed i.e. on 9th June, 2025 and to dispose of the same as expeditiously as possible but preferably within a period of one month from the next date fixed without granting any unnecessary adjournment to either of the parties.

As prayed for by the learned advocate for the opposite parties, the plaintiff/opposite parties will be at liberty to file a written objection to the application under Section 151 of the Code of Civil Procedure within a period of two weeks from date.

After disposal of the interlocutory applications the learned trial judge shall make an endeavour to see that the suit is disposed of as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

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.)