

D/L- 27
07/03/2025
Ct. No.-6
Aritra

C.O. 816 of 2025

**Subhendu Dey
Versus
Sunil Kumar Dey dead his heirs
Krishna Mallick & Ors.**

Mr. Aniket Mitra

...for the petitioner

This application is directed against an order being No.33 dated December 17, 2024 passed by the learned Additional District Judge, 13th Court, Alipore in O.S. No.5A of 2014.

By the order impugned the evidence of the petitioner was closed and March 11, 2025 was fixed for evidence of DWs.

Mr. Mitra, learned advocate appearing for the petitioner submits that there is only one witness left to be examined on behalf of the plaintiffs. He submits that on December 17, 2024 there was a resolution taken by the local Bar Association and for such reason the plaintiff could not file the adjournment petition.

However, this Court sitting in civil revision jurisdiction cannot decide such fact. In view thereof petitioner is left free to file an application before the learned Trial Judge stating in details the reasons as to why the petitioner did not produce the remaining plaintiff's witness on that date. If such application is filed, the

learned Trial Judge shall consider the same in accordance with law.

With above observations and directions CO 816 of 2025 stands disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)