

22-05-2025
Item no.53
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO No.1554 of 2025
Sk. Idrish @ Hazi Idrish Ali
-vs-
Jamiruddin & Ors.

Mr. T.N. Halder

...for the petitioner

This application under Article 227 of the Constitution is at the instance of the preemptor and is directed against an order dated July 29, 2024 passed by the learned Civil Judge (Junior Division) at Chanchal, Malda in Pre-emption Case No.47 of 2022.

By the order impugned, an application filed by the petitioner to allow the son of the plaintiff to depose as PW1 stood rejected.

Mr Halder, learned counsel for the petitioner, submits that the said PW1 has lost his hearing capacity completely, and that there are medical documents in support of such fact. He, therefore, submits that the son of PW1 should be allowed to depose as PW1.

On a query of this court, Mr Halder could not point out any provision of law which permits the son of the witness to depose as that witness. Mr Halder submits that a date has been fixed for further cross-examination of PW1.

It will be open to the petitioner to take appropriate steps in this regard before the learned trial judge. This court does not find any infirmity in the order impugned warranting interference under Article 227 of the

Constitution.

With the above, CO No.1554 of 2024 stands disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Hiranmay Bhattacharyya, J]