

25.
13-06-2025
(Ct. no.06)
debajyoti
(Bench ID
265719)

**IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction
APPELLATE SIDE**

CO 2019 of 2025

**Pranab Kumar Mukherjee
Vs.
Smt. Jayita Dutta**

Mr. Jaydip Basu

... For the Petitioner.

1. This revisional application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated 04th April, 2025 passed by the learned Civil Judge, Junior Division, 1st Court, Sealdah, in Title Suit No.246 of 2014. By the order impugned, the application for recalling of PW 2 stood rejected.

2. The opposite party filed a suit for declaration that the petitioner is a trespasser in the suit property, for permanent injunction and for eviction of the petitioner from the 'B' schedule property. The petitioner is contesting the said suit by filing written statement. In the written statement, the petitioner has also filed counter claim.

3. The petitioner has filed an application praying for recalling of PW 2.

4. In the said application, it has been stated that PW 2 did not produce any document of title since the time of his grandfather relating to the ownership of the suit property and also that there was a suit for partition. For such reason, the petitioner filed an application for recalling.

5. After going through the schedule of the said application, this Court finds that the petitioner has mentioned seven documents on which the petitioner wanted to cross-examine the PW 2 on recall. However, the learned advocate, appearing for the petitioner, could not satisfy this Court as to the relevance of such documents for the purpose of adjudication of the suit. The learned trial Judge noted that the plaintiff witness no.2 was a summoned witness. The petitioner cross-examined the said witness in full and, thereafter, he was discharged. This Court does not find any infirmity in the order impugned warranting interference under Article 227 of the Constitution of India.

6. CO 2019 of 2025 stands, accordingly, dismissed without any order as to costs.

7. Parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)