

Item 17.04.
No. 2025
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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 1838 of 2024

**Prakriti Ranjan Dolui & Anr.
Vs
The Secretary, Satsangha Bihar, Sat Sangha,
Deoghar & Ors.**

Mr. Amar Nath Sen, Adv.
Ms. Shigdha Dupta, Adv.

... for the petitioners.

Mr. Santi Pada Pahari, Adv.
Mr. Mrinal Kanti Biswas, Adv.
Mr. Manish Biswas.

... for the opposite parties.

This application under Article 227 of the Constitution of India is at the instantce of the plaintiff and is directed against an order dated 30.01.2024 passed by the Learned Civil Judge, (Junior Division), Haldia in Title Suit No. 156 of 2013.

By the order impugned, the evidence of the plaintiff was closed.

Learned advocate appearing for the petitioners submits that since a original proceeding in connection with the suit property is pending before the West Bengal Land Reforms and Tenancy Tribunal, petitioners prayed for an adjournment before the Learned Trial Judge.

However, Learned Trial Judge after rejecting the prayer for adjournment also closed the evidence of the plaintiffs.

Learned advocate appearing for the opposite parties submits that the original proceeding has already been dismissed. Such submission is, however, disputed by the learned advocate for the petitioners. Even assuming that a proceeding is pending before the West Bengal Land Reforms and Tenancy Tribunal, the same cannot be a ground for an adjournment in a suit for declaration of title and permanent injunction in relation to an immovable property.

However, considering the fact that a party should not be deprived of his right to lead evidence in the suit to prove his case, this court is inclined to grant a last opportunity to the petitioners to adduce their evidence subject to certain conditions.

It has been uniformly submitted by the learned advocates for the respective parties that the evidence of the defendants' witnesses have not yet started.

In the light of the submission made on behalf of the learned advocates for the respective, the order impugned is set aside.

The plaintiffs/petitioners herein shall produce their witness on the next date fixed by the Learned Trial Judge.

Petitioners shall be allowed to adduce their

evidence on the next date fixed subject, however, to payment of cost of Rs.10,000/- to be paid by the petitioners to the opposite parties herein on or before April 30, 2025. If the cost is paid within time limit as mentioned hereinbefore, the petitioners will be allowed to adduce their evidence.

The Learned Civil Judge is requested to proceed with the suit in accordance with the law and to dispose of the suit as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

Accordingly, C.O. 1838 of 2024 stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual undertakings.

(Hiranmay Bhattacharyya, J.)