

Sl.16
18.06.2025
Court No.6
BP

C.O. 2057 of 2025

Goutam Chanda
-versus-
Sri Kirshna Gopal Bhattacharya

Mr. Debashis Banerjee
Mr. Suvanil Chakraborty
Mr. Rakesh Jana
... for the petitioner

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana
..for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the defendant praying for recall of P.W.-1 to cross-examine him on certain documents and for marking the sais documents as exhibit.

The learned advocate appearing for the petitioner submits that the petitioner could discover certain documents which the petitioner wants to mark as exhibit and for such purpose the P.W.-1 is to be recalled.

After going through the written statement filed by the petitioner this Court finds that the documents which the petitioner is now seeking to put to P.W.-1 on recall do not have any foundation in the pleadings.

The learned trial judge was right in holding that evidence beyond pleadings can neither be permitted nor such evidence can be taken into consideration by a court for adjudication of the dispute. The learned trial judge

assigned cogent reasons for rejecting the application for recall of P.W.-1

This Court does not find any reason to interfere with the same. Accordingly, C.O. 2057 of 2025 stands dismissed.

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.)