

Court No. 6

(265719)

17.09.2025

(AD 9)

(S. Banerjee)

CO 2442 of 2025

Bijay Kumar Maity & Anr.

Vs.

Gauranga Mal & Ors.

Mr. Dyutiman Banerjee

Mr. Vishal Mallick

Mr. Salil Maity

...for the petitioners

Mr. Golam Mastafa

Mr. Tarasankar Samanta

...for the opposite parties

Although this matter is appearing under the heading 'Extension of Interim Order', with the consent of the respective parties, the civil revision application is taken up for hearing by treating the same as on the day's list.

This application under Article 227 of the Constitution of India is at the instance of the plaintiffs and is directed against an order dated June 19, 2025 passed by the learned Civil Judge (Jr. Division), Haldia in Title Suit No. 14 of 2012. By the order impugned, the evidence of the plaintiff was closed and a date was fixed for evidence of the defendants witness.

After going through the impugned order this court finds that the suit was fixed for peremptory

hearing on November 19, 2018 and on and from March 1, 2019 till June 19, 2025, the petitioners have prayed for adjournments and also failed to produce any witness to depose in this case. For such reason the learned trial judge closed the evidence of the plaintiff.

Mr. Banerjee learned advocate appearing for the petitioners submits that the petitioner did not pray for adjournment on all the occasions as indicated in the impugned order. However, on some occasions the petitioners had to pray for adjournment on medical ground. He submits that the petitioners may be allowed to lead evidence subject to the conditions that may be fixed by this court.

Learned advocate appearing for the opposite parties vehemently opposes such prayer. He submits that the record would indicate that the plaintiff is trying to delay the hearing of the suit by taking adjournment on frivolous grounds.

However, learned advocate appearing for respective parties uniformly submit that the evidence of the defendant's witness have not yet started.

Considering the fact that the suit is for declaration of title and permanent injunction, the petitioners who are the plaintiffs in the said suit, may

be allowed one last opportunity to produce the witness subject to the condition that the petitioners shall pay a cost of Rs. 15,000/- to the opposite party no. 1 on or before October 29, 2025. If the petitioners pay the aforesaid amount on account of cost within the time limit indicated hereinbefore and produces his witness on the next date fixed in TS No. 14 of 2012, the learned trial judge shall permit the examination of the witness of the plaintiffs on that date and shall proceed thereafter in accordance with law.

With the above observations and directions, CO 2442 of 2025 stands allowed.

It is, however, made clear that if on the next date fixed in the suit the plaintiff fails to produce his first witness or fails to pay the cost as directed hereinbefore, this order shall stand automatically recalled without any further reference to this court and the civil revision application shall stand dismissed.

The learned Civil Judge (Jr. Division), Haldia is requested to dispose of the Title Suit No. 14 of 2012 as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

(Hiranmay Bhattacharyya, J.)