

Sl.33
28.07.2025
Court No.6
BP

C.O. 2685 of 2025

Sri Amarnath Singha @ Amarnath Singharoy
-versus-
Gopal Bandopadhyay @ Banerjee, (now deceased)
& Ors.

Mr. Debasis Sur
Mr. Santanu Chakraborty
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff who is the opposite party in a Miscellaneous Case No. 13 of 2009 filed under the provisions of Order 39 Rule 2(A) of the Code of Civil Procedure and is directed against an order dated June 24, 2025 passed by the learned Civil Judge (Junior Division), 2nd Court at Chinsurah in Misc. Case No. 13 of 2009 arising out of Title Suit No. 39 of 1994.

By the order impugned the prayer of the petitioner herein to adduce further witness in the miscellaneous case stood rejected.

The learned advocate appearing for the petitioner submits that the petitioner herein could adduce the evidence of only three witnesses and he intends to adduce two more witnesses to prove his case as made out in the said miscellaneous case under Order 39 Rule 2A of the Code.

However, from the order impugned this Court finds that the petitioner herein who is the opposite party in the miscellaneous case has already adduced five witnesses before the learned trial judge and again prayed for time to lead further

evidence. The learned trial judge has further recorded that as per Order No. 379 the petitioner was directed to furnish list of witnesses but he failed to comply with the same also. Thus it appears that the petitioner herein is trying to drag the miscellaneous case. The learned trial judge was right in rejecting the prayer of the petitioner for adducing further evidence. This Court is not inclined to interfere with such order.

Accordingly, C.O. 2685 stands dismissed.

There shall be, however, 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.)