

23. 12.08.2025
Court No.06.

(Pritam)

CO 2905 of 2025

HRG Trading Pvt. Ltd.

-Vs.-

Kishan Lal Agarwal.

Mr. Manish Patra.

....for the petitioner.

1. This application under Article 227 of the Constitution of India is at the instance of the judgment-debtor and is directed against an order dated July 22, 2025 passed by the Civil Judge (Sr. Div.), 2nd Court (I/C), Barasat, North 24 Pgs. in Misc Case No.35 of 2021.
2. Learned advocate appearing for the petitioner submits that the evidence of the decree-holder/opposite party in the said misc. case stood closed and the learned judge of the Executing Court recalled the order dated April 17, 2025 and allowed evidence to be adduced by the court bailiff as court witness by the impugned order, without assigning any reasons.
3. After going through the order impugned, this court finds that the learned Judge of the Executing Court expressed an opinion that since the misc. case arises out of an application under Order 21 Rule 97 of the Code of Civil Procedure evidence of the court seal bailiff is vital for the adjudication of the same.

4. In light of the said observations, the learned trial judge recalled the order dated April 17, 2025 only to the extent of closing the evidence of the decree-holder and fixing the next date for the evidence of the opposite party witness.
5. This court does not find any infirmity in the order warranting interference under Article 227 of the Constitution of India.
6. Accordingly, CO 2905 of 2025 stands dismissed without any order as to costs.

(Hiranmay Bhattacharyya, J.)