

19.05.2025
Item No.21
gd

CO/2922/2024
MAINA RAKSHIT
VS
SRABANI ROY

Mr. Sourav Guhathakurta,
Mr. Surajit Dutta,
Mr. A. Sarkar

..for the Petitioner.

This is an application under Section 227 of the Constitution of India against an Order No.89 dated 10th July, 2024 passed by the learned Civil Judge (Junior Division), 1st Court, Asansol, Paschim Bardhaman whereby the cross-examination of PW-1 has been closed.

It is submitted by the learned advocate appearing on behalf of the petitioner that the learned court has passed the order without considering that it was necessary to cross-examine the PW-1. Moreover the record was put up by virtue of a petition filed by the plaintiff and the copy of the same was not given to the learned advocate of the petitioner and the date of further cross-examination was shifted back to 10th July, 2024 in place of 19.8.2024.

Heard the submission, perused the record and also the certified copy of the order as placed before this court.

It appears from the order dated 21st June, 2024 that the record was put up by virtue of a petition filed by the plaintiff for shifting the date of hearing which was allowed and the date was shifted back to 10th July, 2024 instead of 19.8.2024 but in presence of both the Advocates.

The learned court has duly assigned reason, how the record is pending only for cross-examination of the PW-1/Commissioner since 2016.

It is further recorded that in the year 2016 the Commissioner's cross-examination was done substantially and since thereafter cross-examination is going on in piecemeal manner. More so, the learned court passed such order in strict compliance with the direction of Hon'ble Apex Court as well as the Hon'ble High Court to dispose of the pending matters at an earliest and recorded the same while passing the order impugned.

Therefore, on carefully perusal of the entire order, I do not find any merit to interfere with the order passed by the learned trial court.

Liberty is given to the plaintiff to examine the said witness if he intends to, however in that event appropriate steps as permissible under law is to be taken by the plaintiff.

It is made clear that if such opportunity is given to the plaintiff, same opportunity should also be

extended to the defendant/petitioner herein in order to enable him to further cross-examine the said witness.

In view of that, this revisional application is dismissed.

(CHAITALI CHATTERJEE (DAS), J.)