

26.08.2025
Item No.36.
Court No.06.
S. De

C.O. 3098 of 2025

**The West Bengal Handloom Cooperative Society
Limited (Tantuja).
Vs.
Jayanta Saha.**

Mr. Chayan Gupta,
Mr. Soumyajyoti Nandy,
Mr. Sayantan Chatterjee,
Mr. M. Mondal, ...for the petitioner.

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated July 28, 2025 passed by the learned 1st Civil Judge (Sr. Divn.) at Howrah in Title Suit No.433 of 2022.

By the order impugned, the application filed by the petitioner praying for serving the copy of the exhibited documents upon the petitioner stood rejected.

Mr. Gupta, learned advocate for the petitioner submits that the plaintiff/opposite party did not serve copies of the exhibited documents upon the petitioner for which the learned advocate for the petitioner could not prepare himself to cross-examine the witness of the plaintiff.

On a query of the Court, Mr. Gupta, learned advocate for the petitioner could not point out any provision which provides that the party at whose

instance documents are marked as exhibits should give copies of the exhibited documents to the other side. That apart, it is not in dispute that the PW-1 was cross-examined in the presence of the learned advocate for the defendant on June 25, 2025 and the learned advocate for the defendant also did not raise any objection at the time of cross-examination of the PW-1. The learned Trial Judge after noting that the defendant/petitioner herein is trying to delay the hearing of the suit imposed a cost of Rs.2000/-.

After hearing Mr. Gupta, learned advocate for the petitioner, this Court is of the view that the learned Trial Court ought not to have imposed a cost upon the petitioner. Accordingly, the cost imposed upon the petitioner stands deleted. The order impugned stands modified only to the extent as indicated hereinbefore. It will be open to the petitioner herein to cross-examine the PW-1 on the next date fixed in accordance with law.

With the above observations, C.O. 3098 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)