

08.12.2025
Ct. No. 06
Item No.14
Cp

C.O. No. 4006 of 2025

Animesh De
Vs.
Kanika De & Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das

.....for the petitioner.

Mr. Mahammad Mahmud

.....for the opposite party nos. 1 & 2.

The revisional application arises out of an order dated November 17, 2025, passed by the learned Civil Judge (Senior Division), Additional Court, Hooghly in Title Suit No.325 of 2016.

By the order impugned, the learned court rejected an application for adjournment filed by the defendant/petitioner. Such adjournment was sought for on the ground that the petitioner intended to file a petition for an order summoning the learned advocate who had identified the deed in question.

The court found that the adjournment application was vague and speculative. The prayer for adjournment was rejected on the ground that indulgence should not be shown to the petitioner. As no further DW was present on that date, the suit was posted for arguments.

In my opinion, the petitioner ought to have been given a chance to file a proper application with the details of the witness he would request the court to summon. Whether the court will allow such application or not, is the independent decision of the court, which shall be taken at the appropriate stage, but to deny the adjournment on the ground that no other DW was present and the adjournment application was vague and speculative, amounts to passing an unjust order. Moreover, the evidence of DW was closed.

Under such circumstances, ends of justice demands that the order impugned should be set aside.

The petitioner shall be at liberty to file a proper application before the learned court on the date the suit is fixed. The court shall decide the matter on its own merits upon granting an opportunity to the opposite parties to file a written objection.

It is made clear that unnecessary adjournments shall not be given to either of the parties. The learned court is requested to proceed expeditiously with the suit.

Under such circumstances, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)