

Item No. 7
10.12.2025
Court. No. 6
GB

C.O. 4180 of 2025

Messers Dimpal Properties Pvt. Ltd.
Vs.
Ram Krishna Vivekananda Mission

*Mrs. Anunima Lala,
Ms. Sanghamitra Mridha*

...for the Petitioner.

*Mr. Rabindra Narayan Dutta,
Mr. Shibashish Ghosh,
Mr. Partha Pratim Roy,
Mr. Jayudeb Ghorai,
Mr. Diptesh Ghorai*

...for the Opposite Party.

1. The petitioner is aggrieved by an order dated November 13, 2025, passed by the learned Civil Judge (Senior Division), 3rd Court at Barasat, District – North 24 Parganas in Title Suit No.1321 of 2015.
2. In the order impugned, it was recorded that the advocate for the defendant prayed for closure of the evidence of P.W.1 and that the evidence of P.W.1 should be expunged due to non-availability of the P.W.1 for cross-examination. Accordingly, the learned court closed the cross-examination of the P.W.1 and the deposition of the P.W.1 stood expunged.
3. It is submitted by Ms. Lala, learned advocate for the petitioner that the cross-examination of the P.W.1 should be permitted and the evidence of the P.W.1 could not be expunged without any reasons.
4. I find that the order impugned is unreasoned. Why the court was constrained to expunge the deposition of the P.W.1, is unavailable from the records. The

petitioner is the plaintiff and the evidence of the P.W.1 is a necessity. Such order has resulted in violation of the principles of natural justice and under such circumstances the order impugned is set aside. Cross-examination of P.W.1 by the defendant shall be permitted. The learned court shall fix short dates for such cross-examination. The suit shall proceed in accordance with law, by allowing adequate opportunity to the parties to adduce evidence.

5. It is submitted by Ms. Lala that, when the learned Special Officers appointed by a coordinate Bench go to visit the property, the plaintiff and his advocate are resisted. This issue is not the subject matter of the revisional application. If the petitioner faces any problem during such inspection by the Special Officers, then the petitioner will be at liberty to raise this issue before the learned trial judge, which shall be adequately addressed.
6. Accordingly, the revisional application is disposed of.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)