

Court No. 6
(265719)

30.04.2025
(AD 167)
(S. Banerjee)

CO 4227 of 2024

Durga Trading Corporation
Vs.
M/s. Smita Paper & Books Products & Ors.

Mr. Riju Ghosh
Ms. Vartika Pandey

...for the petitioner

Affidavit of service filed in Court today, is taken on record.

It is submitted by the learned advocate for the petitioner that the registered envelopes addressed to the opposite parties, returned with the endorsement "Addressee could not be located".

The learned advocate for the petitioner further submits that the learned advocate appearing for the opposite parties have been duly served.

In spite of service none appears for the opposite parties.

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated September 18, 2024, passed by the learned Civil Judge (Jr. Division) 1st Court at Sealdah in Title Suit

No. 198 of 2021. By the order impugned the cross-examination of PW-1 stood closed and a date was fixed for evidence of the DW-1.

The learned advocate appearing for the petitioner submits that there was some delay on the part of the learned advocate of the petitioner to attend the court on September 18, 2024 and for which the cross-examination of the PW-1, stood closed. However, the petitioner has not filed any application before the learned trial judge assigning the reasons as to why the petitioner could not cross-examine the PW-1 on September 18, 2024.

Since cross-examination is a very valuable right, this Court is of the considered view that liberty should be granted to the petitioner to file an application before the learned trial judge assigning reasons as to why the petitioner did not cross-examine the PW-1 on September 18, 2024. If such application is filed on or before May 7, 2025, the learned Civil Judge (Jr. Division) 1st Court at Sealdah is requested to consider the said application prior to taking up the hearing of the suit on the next date fixed, i.e., on May 22, 2025. The learned trial judge is requested to dispose of such application and thereafter proceed with the hearing of the suit in accordance with law.

With the above observations and directions, CO 4227 of 2024 stands disposed of. There shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)