

30.01.2026
SL No.294
Court No.6
(gc)

CO 734 of 2025
Amaresh Biswas
Vs.
Smt. Arati Biswas & Ors.

Mr. Animesh Paul,
Ms. Kriti Keshri

.....for the Petitioner.

1. The affidavit of service is taken on record.
2. None appears on behalf of the opposite parties.
3. The petitioner is aggrieved by an order dated December 10, 2024, passed by the learned Civil Judge, 2nd Court at Howrah in Title Suit No.17 of 2014. By the order impugned, the learned Court allowed an application for recall of DW1. The order was passed upon considering the fact that although twelve documents had been filed by the defendants by firstly, only three documents of those had been tendered and marked as exhibits.
4. The learned Advocate for the defendant submitted that the previously conducting learned Advocate had inadvertently missed out the other documents, and the rest of the documents were not tendered. The defendants further submitted that they were willing to face cross-examination on those documents after getting them marked as exhibits.

5. According to the learned Court, it was a settled position of law that for proper adjudication of a lis, all relevant evidence must be considered by the Court, otherwise, multiplicity of proceedings would crop up. The Court recorded that, if the defendants were given an opportunity to tender their documents, they would be subjected to cross-examination by the plaintiff. Thus, in exercise of discretion vested upon the learned Court by law, the Court allowed the DW1 to be recalled, so that the relevant left out documents could be tendered in evidence and marked as exhibits. The court kept the right of the plaintiff to cross-examine the DW1 on those documents, open.
6. I do not find any irregularity in the order impugned. Accordingly, the order impugned is not interfered with. However, as a suit is of 2014, the learned Court is requested to fix short dates to enable the parties to complete the entire exercise as directed hereinabove and thereafter the suit may be disposed of as expeditiously as possible and preferably not later than six months.
7. It is made clear that no other documents apart from those documents which were filed in Court by way of firstly, but not tendered, shall be allowed to be brought on record.
8. Accordingly, the revisional application is disposed of.

9. There shall be no order as to costs.

10. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)