

13
17.04.2026
Ct. No.-6
D.Hira

C.O. 1190 of 2026

**M/s. Nvent Realty Pvt. Ltd.
Vs.
Pulin Sardar & Ors.**

Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjee,
Mr. Debjit Dutta.

...for the petitioner

Mr. Tarak Nath Halder.

... for the opposite parties

1. This revisional application challenges two orders dated March 6, 2025 and January 20, 2026 passed by the learned Civil Judge (Junior Division), 1st Court at Baruipur, South 24 Parganas in Title Suit No. 63 of 2016.
2. By the order dated March 6, 2025 the petitioner's application for adjournment was rejected with costs and cross-examination of the plaintiffs' witness (PW 1) was closed.
3. By the order dated January 20, 2026, the petitioner's application under Section 151 of the Code of Civil Procedure, 1908 for recalling of PW1 for cross-examination was rejected.
4. The opposite parties have instituted Title Suit no. 63 of 2016 before the learned Civil Judge (Junior Division), 1st Court at Baruipur, South 24 Parganas for a decree for declaration of title as well as that

certain conveyance deeds are void and for permanent injunction.

5. The said suit has matured to the stage of evidence. February 25, 2025 had been fixed as a date for cross-examination of the plaintiffs' witness (PW 1). On the said date, the petitioner remain unrepresented despite repeated calls and therefore could not cross-examine the said witness. The learned Trial Court fixed March 6, 2025 for the petitioner to be personally present and for showing cause as to why the matter should not proceed ex-parte.
6. On March 6, 2025 the petitioner prayed for an adjournment. Such application was rejected by the learned Trial Court by the order dated March 6, 2025 recording that the petitioner neither filed any answer to the show-cause nor personally appeared before the Court and as such, adjournment could not be granted.
7. The petitioner therefore, made an application seeking recalling of PW 1 for completion of cross-examination while indicating in the said application that on the last date the petitioner's learned counsel was ready for cross-examination till 4:00 p.m. but as the matter was called on much later in the day beyond usual hours, cross-examination could not be done.
8. Such application has been rejected by the learned Trial Court by holding that the learned Court is not

empowered to sit in revision over its own reasoned order passed earlier. Hence, the revisional application.

9. Mr. Roy, learned counsel appearing for the petitioner invites the attention of this Court to the order dated January 20, 2026 wherein the Court has recorded that *“on perusal of the contents of the application of the defendant it appears to this Court that there was no fault of the defendant but due to the fact that the Court called the matter at an inconvenient time, the order was passed against him”*.
10. It is submitted that when the Court has come to a conclusion that there was no fault of the defendant, the Court ought to have allowed the petitioner one more opportunity.
11. Mr. Halder, learned counsel appearing for the opposite parties submits that the conduct of the petitioner has been extremely bad.
12. He has invited attention of this Court to the order dated March 6, 2025 and submitted that despite directions passed by the Trial Court neither was the defendant present on March 6, 2025 nor was any answer to the show-cause issued by the learned Trial Court by the order dated February 25, 2025 filed on the said date.
13. It is submitted that in view of the abhorable conduct of the petitioner, the order passed by the learned Trial Court is absolutely justified.

14. Heard learned counsel appearing for the respective parties and considered the materials on record.
15. Having gone through the impugned order, it is evident that the petitioner did not appear before the learned Trial Court on March 6, 2025 despite there being a direction to that effect on February 25, 2025 and no answer to the show-cause issued by the order dated February 25, 2025 was filed.
16. The application for recalling of PW 1 somewhat explains the reasons for non-appearance of the petitioner on the earlier date, i.e., February 25, 2025 but there is no explanation as regards March 6, 2025. However, the learned Trial Court has in the order dated January 20, 2026 found that there was no fault on the part of the defendant as the defendant was present in Court.
17. In view of such finding while the order directing presence of the defendant may be said to be somewhat complied with, there would still remain non-compliance with the order of the learned Trial Court directing the defendant to show cause. The same was evidently not done on March 06, 2025 however, subsequently by an application which came to be dismissed by the order dated January 20, 2026 it was sought to be explained.
18. Since closing of evidence without permitting further cross-examination may have serious repercussions on

the end result of the suit, therefore this Court is minded to interfere with the order impugned for ends of justice.

19. In such view of the matter, justice will be sub-served and equities will be balanced if the petitioner is granted one final opportunity to conclude the cross-examination of PW 1, subject to payment of costs of Rs.25,000/- (Rupees twenty five thousand) to the opposite parties, within ten days from date.
20. Orders impugned dated March 6, 2025 and January 20, 2026 are set aside, subject to such payment of costs as aforesaid.
21. The learned Trial Court shall fix one date for cross-examination of PW1 upon notice to both the parties. If PW 1 appears and the petitioner is unable to conclude the cross-examination of PW 1 on the said date for any reason, the opportunity of the petitioner to cross-examine PW 1 shall stand closed.
22. The learned Trial Court shall fix such date for cross-examination of the PW 1 only upon being satisfied that costs, in terms of this order, have been paid by the petitioner to the opposite parties.
23. Mr. Halder, learned counsel appearing for the opposite parties on instructions submits that costs in terms of this order may be paid to the opposite party no. 2 (Gaur Chandra Sardar) either in the bank account of the opposite party no. 2 directly or by way

of a demand draft in the name of the opposite party no. 2 (Gaur Chandra Sardar) within ten days from date. Mr. Halder is requested to supply the relevant particulars as regards opposite party no. 2 to the learned counsel for the petitioner.

24. Since the suit is of the year 2016, the learned Trial Court is requested to expedite the hearing of the suit and dispose of the same as expeditiously as possible and preferably within a period of six months from the next date fixed.

25. With the aforesaid observations, **CO 1190 of 2026** stands disposed of.

26. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Om Narayan Rai, J.)