

Court No. 6
(265719)

01.07.2026
(AD 5)
(S. Banerjee)

CO 1966 of 2026

Rohit Jaiswal & Anr.
Vs.
Rajesh Jaiswal & Ors.

Mr. Debnath Ganguly
Mr. Aranya Saha

...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the petitioners in a Miscellaneous Case under Order 21 Order 101 of the Civil Procedure Code and is directed against an order being no. 201 dated December 4, 2025 passed by the learned Judge, 6th Bench, Presidency Small Causes Court at Calcutta in Misc. Case No. 194 of 2017 arising out of Ejectment Execution Case No. 24 of 2013.

Learned advocate appearing for the petitioners submits that the OPW 1 deposed on behalf of all the opposite-parties upon an authorization being made by the other opposite-parties in favour of the OPW1. He submits that after the OPW1 has deposed, the opposite-parties filed an application to allow the opposite-party no. 3 in the misc. case to depose. He further submits that when the opposite-party no. 1 has deposed on behalf of all the opposite-parties, the learned Judge of the executing court ought not to

have afforded a further opportunity to the opposite-party no. 3 in the Misc. Case to depose. The learned Executing Court after noting that in cross-examination of OWP 1 some questions were put to the said witness which may be within the personal knowledge of the opposite-party no. 3 in the misc. case, allowed the prayer of the OPW 3 to adduce further evidence. The learned Judge of the executing court applied the correct legal test while allowing the opposite-party no. 3 in the misc. case to depose.

For such reason this Court is not inclined to interfere with the order passed by the executing court.

Accordingly, CO 1966 of 2026 stands disposed of.

The learned Executing Court is requested to make an endeavour to dispose of the misc. Case as expeditiously as possible but positively by the end of the year 2026 without granting any unnecessary adjournment to either of the parties.

(Hiranmay Bhattacharyya, J.)