

18.06.2026
(D/L-19)
Ct.-06
(NMD)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 4485 of 2025

Smt. Madhuri Pal
-Vs-
Sankar Kumar Das

Mr. Rajdeep Bhattacharyya,
Mr. Sanjit Sankar Majumder

... for the Petitioner

Mr. P. S. Mondal,
Mr. Chiranjit Saha

...for the Opposite Party

1. Affidavit-of-service filed in Court today is taken on record.
2. This revisional application is directed against an order dated November 28, 2025 passed by the learned Additional District Judge, Fast Track Court, Kalyani, Nadia in O.S. No. 07 of 2023 whereby the petitioner's (plaintiff's) evidence has been closed.
3. The petitioner has filed an application for grant of probate which has been registered as O.S. No. 07 of 2023 upon having become a contentious cause. In the said suit, the plaintiff's witness (P.W. 1) was being cross-examined.

4. In the order dated November 28, 2025 which has been impugned in this revision, the learned Trial Court has recorded that P.W. 1 has been cross-examined and discharged. The learned Court has fixed a next date for further witnesses on behalf of the plaintiff. Feeling aggrieved thereby, the petitioner has approached this Court by filing the present revisional application.
5. Mr. Bhattacharyya, learned Advocate appearing for the petitioner submits that cross-examination of P.W. 1 was not concluded on November 28, 2025. He submits that as the learned counsel who was supposed to cross-examine the P.W. 1 got unwell on the said date therefore, cross-examination could not be concluded and an application for adjournment to that effect was filed before the Trial Court on the said date itself. He relies on certified copy of an application for adjournment filed on November 28, 2025 that has been annexed to this revisional application.
6. Learned Advocate appearing for the opposite party submits that the learned Trial Court has rightly passed the impugned order. It is submitted that the

petitioner had concluded the cross-examination on that day.

7. Heard learned Advocates appearing for the respective parties and considered the material on record. There is a presumption of correctness of recording of proceedings in orders of Court, therefore, the order impugned cannot be faulted merely because it has been contended that there is a wrong recording. However, since, the petitioner has been cross-examining his own witness and there is a letter of adjournment on record, therefore, for ends of justice, this Court grants one more opportunity to the petitioner to conclude the cross-examination of P.W. 1.
8. This Court is informed by the parties that August 1, 2026 is the next date fixed before the learned Trial Court. In such view of the matter the petitioner shall conclude the cross-examination of P.W. 1 on the next date fixed. If for any reason like proven illness of the petitioner or any reason not attributable to the petitioner, cross-examination cannot be done on the next date, the learned Trial Court shall fix another date but in such case not more than one more opportunity after August 1,

2026 will be granted to the petitioner to conclude such cross-examination. If on the given date (i.e. August 01, 2026 or such other day as may be fixed by the learned Trial Court, the petitioner is not able to conclude the cross-examination of P.W. 1 no further opportunity for such cross-examination will be granted to the petitioner.

9. With the aforesaid observations, C.O. 4485 of 2025 stands disposed of. There shall be no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)