

Title Suit. 198/09**Present : Sanni Kumar, Munsif, Barsoi**

Sl.	Date of Order of proceedings	Order with signature of the Court	Office action taken with date
1	2	3	4

<u>23.01.2023</u>	<p>Today the record is fixed for order on petition of defendants dated 22.09.2022.</p> <p style="text-align: center;">Order</p> <p>Learned counsel on behalf of defendants while arguing the petition stated that the suit for fixed for the evidence of defendants and due to confusion of the date the defendants could not make pairvi neither filed time petition. Therefore, learned Court was pleased to close the opportunity of evidence of defendant vide order dated 18.08.2022. That on 16.12.19 the defendant filed list of witnesses along with documents of witnesses along with documents and on the same vary day produced defendant witnesses No. 1 Vaidyanath Mandal the defendants does not have delaying attitude and only due to confusion in dates, they could not make any pairvi. Therefore, it is prayed to recall the order dated 18.08.22 and allow the defendants to produce their evidence. Learned counsel on behalf of plaintiff has filed to rejoiner to this petition and argued despite being given various opportunities and strict directions to produce witnesses defendant felt to comply order of the Court and therefore, the court was pleased to close opportunity of evidence for defendants. Therefore, the petition of defendants is fit to be rejected.</p> <p>Heard both the counsels on the petition and perused the record along with petition. It appears on the said date defendant neither filed its pairvi nor any time petition for production of evidence despite given strict direction by the Court. However, in order to adjudicate a matter properly and the interest of justice the Court finds its proper to allow defendant to adduce a evidence and thereby the order dated 18.08.2022 is hereby recalled upon payment of cost of Rs. 400 to the plaintiff with a further direction to defendants to produce their evidence on regular basis.</p> <p style="text-align: right;"><i>Dictated</i></p> <p style="text-align: right;"><i>Munsif</i></p>	
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