

Present: Miss Bidisha Manna
Civil Judge (Junior Division) 1st Court, Chinsurah, Hooghly
J.O Code- WB01532
C.N.R. No.- WBHG 04-000883-2022
TS 654 of 2022

Order No. 15 dated: 29.11.2025

Today is fixed for hearing of the petition dated 08.08.2025 under Order 18 Rule 17 CPC filed by the defendant.

Both parties are present by filing haziras through Ld. Advocates.

The petition under Order 18 Rule 17 of CPC filed by the defendant is taken up for hearing.

The Ld. advocate of the defendant has prayed for cross-examination of the PW-1 on re-call by stating that it is the right of the defendant to cross-examine the plaintiff although the suit has proceeded ex parte against him.

The plaintiff has filed written objection through her Ld. advocate and prayed to reject the prayer of the defendant.

To support the plea, the defendant has referred three decisions passed in (2024) 9 Supreme Court Cases 462, 2024 SCC OnLine SC 2932 and 2025 SCC OnLine SC 868.

Perused the petition, the written objection, the pronouncements and considered the submissions of both sides Ld. advocates.

It appears to this Court that it is settled law that although the defendant has not filed the written statement but he is to be given opportunity to cross-examine the witness. Under such facts and circumstances, the prayer of the defendant has merit and this Court is inclined to allow the same.

Hence, it is,

ORDERED

That the petition dated 08.08.2025 under Order 18 Rule 17 CPC filed by the defendant is allowed on contest without cost.

The defendant is at liberty to cross-examine the witness, PW-1.

The defendant is directed to take necessary step for recalling the witness, PW-1.

Fix 10.03.2026 For cross-examination of the PW-1 on re-call.

D/C by me,

Sd/-

Civil Judge (Jr. Divn.)
1st Court, Hooghly Sadar

Sd/-

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1st Court, Hooghly Sadar