

MACC- 188/2006
CNR : WBBB01-001622-2017
JO CODE : WB00625

Order No 127
28.07.2025

Today is fixed for cross-examination of PW-1 as last chance. Both the parties file hazirah. It is now 11:45 am. Ld. Lawyer for the claimant is present with PW-1. Ld. Lawyer for the OP No.2 is absent. None move on behalf of the OP No.2. Heard Ld. Lawyer for the claimant. Considered.

The evidence of PW-1 is closed as Ld. Lawyer for the OP No.2 has not cross-examined him.

Fix 26.08.2025 for further evidence from the side of claimant.

Dictated & corrected

Judge, MACC Tribunal
Suri, Birbhum

Judge, MACC Tribunal
Suri, Birbhum

Later

It is now 12:40 pm. Ld. Lawyer for the OP No.2 files a petition praying for an order to permit the OP No.2 to cross-examine PW-1 on the ground stated therein.

Ld. Lawyers of both sides are present. Ld. Lawyer for the claimant submits that he has no objection if the Ld. Lawyer for the OP No.2 cross-examined PW-1.

Considering the submissions of both sides, prayer of the OP No.2 is allowed. Order regarding closure of the evidence of PW-1 is hereby re-called.

Now, the case is taken up for recording cross-examination of PW-1. At this stage, after perusal of the case record, I find that the case was previously heard exparte. The claimant adduced evidence both oral and documentary. Thereafter, on the prayer of the OP No.2 the order of exparte argument was vacated and the OP No.2 was permitted to cross-examine PW-1. However, claimant was not directed to file any fresh affidavit-in-chief of PW-1. Cross-examination of witness cannot be recorded in his exparte evidence. Therefore, the claimant is directed to submit his affidavit-in-chief afresh on the next date fixed for evidence.

Fix 26.08.2025 for evidence on the side of the claimant.

Dictated & corrected

Judge, MACC Tribunal
Suri, Birbhum

Judge, MACC Tribunal
Suri, Birbhum