

Misc case - 7857/24 CNR – WBCC01011751-2024

Present: Sri Jayanta Koley, Judge, Bench-II. (WB00562)

Order 13

18.12.24

Today is fixed for recording of evidence of OPWs.

Petitioners file hazira. A petition is filed on behalf of the OP praying for adjournment on the ground that he has preferred appeal being FAT no 285/24 against the judgment and decree passed in T.S. 856/21. Copy has been served. Strong objection has been raised.

Heard the Ld Advocates for both the sides.

It may be a fact that the OP has preferred appeal against the impugned judgment and decree out of which the Title Execution case no 90/24 and the instant proceeding has arisen but there is no order of stay of further proceedings of either the said execution case or the present proceeding. Even nothing is forthcoming wherefrom it can be ascertained that any application for stay of operation of the impugned judgment and decree has been filed before the Hon'ble Court at the instance of the OP.

In view of the above position, in the absence of any order of stay there does not arise any question to adjourn the hearing of the instant Misc case. Accordingly the prayer for adjournment is totally misconceived and thus rejected.

As the Ld. Advocate for the OP does not show any intention to adduce evidence on behalf of the OP so it will not be unreasonable to hold that the OP is not desirous to adduce any sort of evidence in this proceeding.

Accordingly the recording of evidence of OP stands closed fixing 18.1.25 for hearing argument of the Misc case.

D/C by me

Judge

Judge 2nd Bench