

Title Suit 131 of 2013 (CIS 688 / 2014)

Order No. 89 dated 18.05.2024

Today is fixed for hearing of the application u/S 151 of C.P.C.

Plaintiff filed hazira.

Defendant filed hazira.

Plaintiff filed written objection.

Defendants filed one petition for recalling the order of deposition commissioner.

Both the petitions are taken up for hearing.

Ld. Advocate for the defendants stated that the defendant No. 2 namely Bibharani Ghosh is totally bedridden and not in the position to adduce evidence in this case, so they want to not pressed both the affidavit in chief which has been filed by them. They further stated that she will not depose in this case. Hence, they prayed for recalling the order of appointment of deposition commissioner, so that they can adduce evidence of other defendants as DW.

Ld. Advocate for the plaintiff raised vehement objection.

Heard. Considered.

On perusal of the record it is seen that the defendant do not want to give evidence as Bibharani Ghosh as she is totally bedridden which is stated by them on affidavit.

Hence, this Court finds no impediment in allowing the petitions filed by the defendants. The Ld. Advocate commissioner is directed to return the writ along with the amount of Rs.2000/- to the defendant.

Hence it is,

ORDERED

That both the petitions are hereby allowed on contest without any order as to costs.

Fixing 19.06.2024 for evidence of DW-1.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah

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