

Title Suit 83/2015
Registration No. 84/2015
CNR No. WBND07-000083-2015

J.O. Code WB01141

Order no: 40 Dated: 13.4.2021

Both parties are represented by their Id. Advocates.

Today is fixed for hearing of the petition for recall of the DW1 filed by the Ld Advocate for the defendants.

Ld Advocate for the plaintiff has filed written objection against the petition. Copy served. Let it be kept with the record.

Heard both sides. Perused the petition and other materials on record.

On perusal of the petition it appears that the defendants have prayed for permission to recall the DW1 for marking certain documents as exhibits on the ground that, though the documents were filed by way of firisti on the date of examination of the DW1 but before they could be exhibited, cross-examination of the DW1 started. Under the above facts and circumstances, he prayed for permission to recall the DW1 for proving those documents and marking them as exhibits.

He has also mentioned the questions which he wants to put to the DW1 on his recall.

In reply, the Ld Advocate for the plaintiff prayed for rejection of the petition on the ground that the defendant now wants to incorporate the documents in his evidence to fill up the lacunae in his evidence and that the documents are not connected with the written statement of the defendant.

It appears from the record that till date no document has been proved and exhibited on behalf of the defendant and hence, allowing the defendant the opportunity to prove his documents will not cause any injustice to the other side if he is adequately compensated by cost for the delay caused.

Therefore, I do not find any impediment in allowing the petition filed by the Ld Advocate for the defendant for proper adjudication of the subject matter in dispute with cost of Rs. 500/- to be paid to the plaintiff.

Fix 03.05.2021 for F.H(DW1) on recall and cost of Rs. 500/- to be paid to the plaintiff.

(Dictated and Corrected by me)

Sd/-
Civil Judge(Jr. Divn)
Nabadwip, Nadia