

Mat case No.219 of 2016

Order Dated 14.05.26

Petitioner Aviskeh Paria files hazira and is present with his Ld Advocate.

The respondent Smt Nupur Paria files one adjournment application on the ground of illness attaching a medical prescription. Copy served with strong objection endorsement.

One list of witnesses is submitted by the respondent stating names of six witnesses.

The respondent is absent but her Ld Advocate is present.

Heard both the sides. Perused the record and the petitions filed today. Considered.

Ld Advocate for the respondent submitted that the respondent is suffering from loose motion etc and is not in a position to appear before this Court today to depose and as such, she prayed for adjourning the case today.

Ld Advocate for the petitioner raised strong objection and submits that the respondent is not willing to allow the suit to proceed and as such, she has filed the adjournment application.

Upon perusal of the adjournment application, it occurs that the petition is not support by any Affidavit/Verification and not signed by the respondent herself. It also appears that although the Court directed the respondent to file examination in-chief on Affidavit of her witnesses, she has not produced any such examination in-chief of any of the witnesses. Though she has named six witnesses but she has not produced any witness and has also not filed any examination in-chief on Affidavit. The list of witnesses submitted today is also not supported by any Verification or Affidavit. Inspite of strong direction given on the previous date fixing consecutive dates for P.Hearing of this suit, due to non co-operation on the part of the respondent the case could not be proceeded today. The medical prescription shows advice of 3/ 4 days rest and not a medical certificate. However, since one medical certificate has been attached with the adjournment application, I am not inclined to close evidence for the respondent but to adjourn the case today. The respondent is strictly directed to produce her witnesses and their examination in-chief on Affidavit tomorrow (15.05.26) diligently.

Both sides are directed to come ready tomorrow (15.05.26) accordingly.

Dict.& corrected by me,

3rd Addl. District Judge,
Barasat

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