

Ej. Suit No. 307 of 2014
CIS No. WBPS01-000474-2014

Order No. 75
07.01.2026

Today is fixed for argument of the suit.

Parties are present by filing their respective haziras.

The defendant has filed a taken up petition this day on the ground stated therein.

Prayer is considered and allowed.

An application has been filed u/s 151 of the CPC by the defendant stating that he would like to give further evidence, hence, an the opportunity may be given to adduce evidence of DW-2, thus prays for recall of the order dated 11.12.2025.

Heard both sides.

Perused the petition and other materials on record.

Considered.

During the submission the Ld. Advocate for the defendant submitted that he intends to give the evidence of DW-2, who shall be the wife of the defendant as her evidence is required for proper adjudication of the suit. The Ld. Advocate for the plaintiff raised objection to such prayer of the defendant submitting that no name of the witness has either been given by the defendant and that this is only the dilatory tactics of the defendant.

Upon perusal of the record and the petition filed by the defendant it is found that there is only one defendant in the instant suit and he has already been examined. No reason has been stated by the defendant why he intends to adduce the evidence of his wife. However, the petition is allowed in the interest of justice giving an opportunity to the defendant to adduce the evidence of his wife, with the condition that if the defendant fails to proceed with his witness on the next date, the argument shall be heard.

This is also for information of both sides that the instant suit is of 2014 and 11 years has elapsed, hence, no further adjournment shall granted unless there is the compelling ground. The order dated 11.12.2025 is hereby recalled.

Fix 13.02.2026 for DW-2.

Dictated and corrected by me:

Judge

Gladys Bomjan
(J.O. Code: 01039)
Judge, 3rd Bench
Presidency Small Cause Court,
Calcutta