

Ejectment Suit No. 424 of 2013 (Reg No. 5810 of 2014)
C.N.R No. WBPS01-000493-2013

Order No.142

Dated 20.08.2025 :

Today is fixed for argument by the defendant as last chance. The plaintiff files attendance through her Ld. Advocate.

One petition with a prayer for adjournment has been filed on behalf of the defendants. The photocopies of the Order dated 22.07.2025 and the medical documents of defendant no.1 and 2 are annexed with the petition for adjournment.

Heard the Ld. Advocate for the defendants who submitted that defendant no.1 is the only person who is conversant with the details of the case. As he is down with several health related issues, there is no one to give instructions to the Ld. Advocate for argument. Defendant no.2 is also not physically fit and it is not possible for the other defendants to give instructions to the Ld. Advocate for argument. Apart from that the defendants preferred an application for revision against the Order No.139 dated 18.06.2025 before the Hon'ble High Court, Calcutta. That revision is still pending and the Hon'ble Court has directed the petitioner to produce the evidence adduced by the defendants in the suit. So until and unless any Order is passed by the Hon'ble Court, the Ld. Advocate for the defendant can not start the argument.

On the opposite score the Ld. Advocate for the plaintiff raised strong objection against the prayer for adjournment made by the defendants and highlighted the fact that on the previous occasion the prayer for adjournment was allowed as last chance and there is a direction of the Hon'ble Court to dispose of the suit as expeditiously as possible without granting any adjournment to the parties.

Perused the record.

Considered.

From the photocopies of the medical documents of defendant no.1 and 2 it reflects that defendant no.2 is suffering from some chronic disease which are very common now-a-days. Most of the persons have diabetes and they are performing all their duties with the said disease. Defendant no.1 was admitted in the hospital with some complaints and he has been released there from recently and advised to take rest for one month. Be that as it may, this Court believes that those two defendants are confined to their residence because of their health issues and the other defendants are not conversant with the details of the suit. But at the same time this Court can not ignore that the Ld. Advocate for the defendants filed the written statement, conducted the cross examination of the witnesses of the plaintiff and adduced evidence for the defendants. Obviously all these were done by the Ld. Advocate with the instructions of the defendants. All the evidences and materials, which are necessary for the final adjudication of the suit, have come before the Court from both the sides. Now the suit has reached to the stage of the argument and the Ld. Advocates of both the parties have to argue the suit on the basis of the evidence already adduced and the documents filed. It is not that during the argument of the suit a new arena would be opened with the help of the instructions of the defendants which they could not give to their Ld. Advocate till date. Argument is the art of the Ld. Advocate in placing the case of the parties, supported by the evidence adduced with the provision of Law. This Court thinks that the interference of the parties is not mandatory in the argument. Moreover, if the defendants, who have the exclusive knowledge of the suit are pinned to bed due to their illness, then the other defendants must carry the baton because they will also be governed by the fate of the suit. If the defendant no.1 and 2 are ill for a considerable period, the other defendants should have educate themselves about the details of the suit. The suit can not be adjourned repeatedly at the mercy of the perennial illness of defendant no.1 and 2. Apart from that there is no Order of stay of the further proceeding of the suit passed by the Hon'ble Court in C.O 2592 of 2025, whereas the Hon'ble High Court, Calcutta in vide its Order dated 05.09.2017 in C.O 2864 of 2017 directed this Court to dispose of the suit as expeditiously as possible without granting adjournment to the parties.

Accordingly, the prayer for adjournment is rejected.

Let the argument for the defendants be closed.

Fix 01.09.2025 for the argument by the plaintiff.

Typed, Corrected and Printed by me.

Judge, Bench-4
PSCC, Calcutta
J.O Code WB01174

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