

Ejectment Suit No. 330 of 2011 (4545 of 2014)
C.N.R No. WBPS01-000497-2011

Order No.91

Dated 06.12.2025 :

Today is fixed for further cross examination of PW-2. Both the parties file separate attendance through their respective Ld. Advocates. PW-2 is present.

The record is taken up for evidence.

PW-2 has further been cross examined by the defendants in full and discharged.

Ld. Advocate for the plaintiffs submitted that there are no other witnesses to be examined or evidence to be adduced for the case of the plaintiffs and prayed for closure of the evidence for the plaintiffs.

The prayer is allowed.

Let the evidence for the plaintiffs be closed.

In the instant suit the defense of the defendant has been struck out vide Order No.51 dated 09.01.2018. As per the proposition laid down by the Hon'ble Apex Court in **Modula India Vs. Kamakshya Singh Deo, AIR 1989 SC 162** the defendant has only the right of cross examining the plaintiff's witnesses, of pointing out to the Court the factual and legal infirmities in the plaintiff's case and of addressing arguments on the basis of evidence as adduced by the plaintiff and tested by the cross examination on behalf of the defendant. So there is no question of fixing date for the evidence of the defendants. Accordingly the evidence for the defendants is closed.

Fix 29-01-2026 for argument.

Typed, Corrected and Printed by me.

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

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