

Misc. Case No. 132 of 2023
CIS No. WBPS01-000512-2023

Order No. 56

20.08.2025

Today is fixed for cross examination of PW-1.

Petitioner file hazira through his Ld. Advocate.

An application has been filed by the opposite party praying for adjournment on the ground that the conducting Ld. Advocate has recently undergone an appendix operation and is recuperating at hospital, and, as such, he is unable to attend the Court today.

Surgical pathology report and xerox copy of the certificate dated 12.08.2025 has been annexed.

None appears on behalf of the opposite party to make any submission.

On the last occasion i.e. on 23.07.2025 also similar application had been filed by the opposite party and this Court had granted adjournment with an observation that reasonable time is being given to the O.P., so that even if the Ld. Advocate is unable to attend the Court on the next day due to his illness, he can arrange for some alternatives. But, this day also adjournment has been sought on the ground of the illness of the conducting Ld. Advocate. The Surgical pathology report shows that the patient has already been discharged. However, it does not show when was he discharged but the same report had been submitted on the last occasion also. The SAT No. 91 of 2025 with CAN No. 01 of 2025 has already been dismissed by the Hon'ble Division Bench of the Calcutta High Court vide order dated 09.06.2025.

The conduct of the opposite party speaks of his utter disregard to the direction of the Court and he did not even choose to make submission in respect of the application filed this day though the same has been signed by an Advocate. Sufficient opportunity has already been given to the opposite party. Giving further opportunity would mean giving unwarranted indulgence to the opposite party jeopardizing the interest of the petitioner.

In view of the above, I am not inclined to grant further adjournment to the opposite party, hence, the application is rejected. The cross-examination of PW-1 is closed.

Fixing **21.11.2025** for PW-2.

Dictated and corrected by me:

Judge

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