

Ejectment Suit No. 168 of 2009 (3226 of 2014)
C.N.R No. WBPS01-000534-2009

Order No.105

Dated 19.05.2025 :

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 part.

During the cross examination of PW-2 objection was raised by the Ld. Advocate of the plaintiffs against the questions put to the witness by the defendants on the ground of reasonable requirement. The Ld. Advocate for the plaintiffs submitted before the Court that the examination in chief of PW-2 was filed stating the facts only which are required for the determination whether the defendants are tenants or trespassers. The cross examination cannot go beyond the written examination in chief. On the other hand the Ld. Advocate for the defendants referred to the Order passed by the Hon'ble High Court Calcutta in C.O. 3555 of 2017 and submitted that even if the defendants are helped to the trespassers then also the Court can pass decree of eviction as it is observed by the Hon'ble Court. So the defendants have the right to cross examine the witness on all points stated in the plaint.

This Court thinks that the suit needs to be heard on the point what will be the ambit of evidence in the light of the Order of the Hon'ble High Court Calcutta in C.O. No. 3555 of 2017. So the cross examination of PW-2 is deferred.

Fix 24-06-2025 for hearing on the point what will be the ambit of evidence in the light of the Order of the Hon'ble High Court Calcutta in C.O. No. 3555 of 2017.

Typed, Corrected and Printed by me.

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

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