

**S.C.C No. 87 of 2019**  
**C.N.R No. WBPS01-000591-2019**

**Dated 18.03.2025 :**

Today is fixed for hearing of the recall petition filed by the defendants. Plaintiff files hazira through his Ld. Advocate and also files written objection against the petition for recall.

The record is taken up for hearing of the said petition.

Heard both sides. Perused the case record including the petition dated 21.01.2025 and the written objection thereof.

Considered.

The defendants have approached the Court with the petition dated 21.01.2025 with a prayer for recall of the Order dated 11.12.2024. It is submitted on behalf of the defendants that though it was submitted on behalf of the defendants on 11.12.2024 that there are no other witness to be examined for the defendants but subsequently upon discussion of the defendants with the Ld. Advocate, they felt the necessity of adducing the evidence of OPW-2. So the Order dated 11.12.2024 needs to be recalled.

The plaintiff filed the written objection stating that no provision of law has been stated in the instant petition. Apart from that OPW-1 stated in her evidence that she deposed for self and for the other defendants. So the other defendants can not examined themselves as witness in the suit. The instant petition does not disclose the name of the witness and the documents to be tendered. Banking on these grounds the plaintiff prayed for rejection of the prayer for recall.

On perusal of the record that OPW-1 has stated in her evidence that she is deposing on behalf of the other defendants also. But only for this statement the defendants shall not be prevented from adducing evidence. Like plaintiff has got the prerogative to adduce evidence in the suit so that his case may be established, the defendants also have the right to adduce sufficient evidence to convince the Court regarding the strength of the defence case. Though it was submitted on behalf of the defendants that there are no other witness to be examined for the defendants but this Court thinks that the defendants shall get one chance to adduce further evidence when they felt the need of further evidence.

Accordingly the prayer is allowed.

Let the Order dated 11.12.2024 be recalled only to the extent of closing the evidence for the defendants.

The petition dated 21.01.2025 is disposed of on contest but without any order as to cost.

Fix 07-05-2025 for further evidence for the defendants.

Typed, Corrected and Printed by me.

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

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