

EJECTMENT SUIT NO. 6713 OF 2014  
C. N. R. NO. WBPS01-000639 - 2014  
Before Smt. A. Bhattacharya, Ld. Judge, 5<sup>th</sup> Bench.

ORDER NO. 68 DATED 05.11.2024

Plaintiff has filed hazira.

Today is fixed for further cross examination of D.W.1.

Defendant has filed one petition praying for time on the ground that this Ld. Court had been informed by him about the incident on 2<sup>nd</sup> September 2024 when the petitioner had slipped and fell at his house leading to serious injuries to his head and back whereafter he was rushed to the hospital and several stitches were done on his head to treat his injury and upon discharge, the doctor had advised him bed rest the petitioner had not yet fully recovered from that injury and hence he is unable to attend the court today and adduce evidence and as such, he is constrained to pray for an adjournment. Copy served. Let the same be kept with the record.

Ld. Advocates for both sides are present.

Ld. Advocate for the plaintiff raises strong objection.

No medical document is annexed with the adjournment application to substantiate the statement of the petition filed by the defendant.

Ld. Advocate for the defendant shows soft copy of prescriptions dated 04.09.2024 and 04.10.2024 in his phone. In the prescription dated 04.09.2024, bed rest of four weeks was suggested but in prescription dated 04.10.2024, no complication owing to incident dated 02.09.2024 has been referred to. No rest or bed rest has been suggested by the Doctor in his prescription dated 04.10.2024. Moreover, a period of a month has elapsed since then and no current prescription could be shown by the Ld. Advocate for the defendant to substantiate that the defendant is still suffering from complications owing to the incident dated 02.09.2024.

However, considering the submission of Ld. Advocate for the defendant and considering the age of this case, prayer for adjournment is allowed subject to payment of cost of Rs.30000/- to be paid by the defendant to D.L.S.A., Kolkata.

Fix 02.12.2024 for further cross examination of D.W. and filing of receipt showing payment of cost.

Dictated and corrected by me,

JUDGE

JUDGE  
[5TH BENCH]