

Ejectment Suit No. 600 of 2016
C.N.R No. WBPS01-001243-2016

Order No.46

Dated 08.04.2025:

Today is fixed for evidence of the Ld. Commissioner. Plaintiff files attendance through its Ld. Advocate. Arun Kumar Dhar, Ld. Commissioner is present on receipt of the notice. No steps have been taken by the defendant. None moved on behalf of the defendant.

The record is taken up for evidence.

Arun Kumar Dhar, the Ld. Commissioner has been examined in chief as PW-2 in full. The cross examination of PW-2 is deemed to be declined as none turned up for the defendant. So the witness is discharged.

During the examination in chief of PW-2 the the report along with the field note, copy of notice, postal receipts, hand sketch map, site plan and writ have been marked as Exhibit-9 collectively.

It is submitted on behalf of the plaintiff that there are no other witnesses to be examined and evidence to be adduced for the case of the plaintiff and prayed for closure of the evidence for the plaintiff.

The prayer is allowed.

Let the evidence for the plaintiff be closed.

In the instant suit the defence of the defendant has been struck off vide Order No.34 dated 07.09.2022. Nothing transpires from the record that the defendant has preferred any application for revision against the said Order. 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 defendant. Accordingly the evidence for the defendant is closed.

Fix 13-05-2025 for argument.

Typed, Corrected and Printed by me.

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

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