

**Ej. Suit No. 346 of 2006**  
**CNR No. WBPS01-001824-2006**

**Order No. 105**

**Date: 11.04.2023**

Today is fixed for further APW, if any, I.d., OPW with regard to the application u/s 7(2) of WBPT Act, 1997.

Both sides are represented through their Ld. Advocates.

The defendant has filed a petition at 12.10 p.m. seeking adjournment on the ground that the defendant desires to adduce further evidence by APW and also wishes to file some challans which are not in the custody of the defendant at present.

The Ld. Advocate for the plaintiff raised vehement objection by stating that the petition is absolutely malafide and has been filed only to delay the disposal of the application u/s 7(2) of WBPT Act, 1997 which is pending for more than 17 years. Accordingly, the Ld. Advocate for the plaintiff prays for rejection of the instant petition with cost and proceed with the evidence of the plaintiff as OPW.

I heard both sides.

Perused the case records and other materials on record.

Considered.

The record reveals that ample opportunities has already been given to the defendant to enable them to adduce evidence with regard to their application u/s 7(2) of WBPT Act, 1997 in the form of calling for several case records from different departments of this Court on the basis of the prayer of the defendant, but the same yielded no fruitful result and the result is the pendency of the application u/s 7(2) of WBPT Act, 1997 for 17 long years causing unnecessary harassment and delay to the plaintiff.

Now so far, the filing of challans by the defendant with regard to their application u/s 7(2) of WBPT Act, 1997 is concerned, this Court finds that the same can be filed at any stage before passing of the final order with regard to the application u/s 7(2) of WBPT Act, 1997, those being public documents and adjourning the case to a further date for the said purpose does not seem appealing to this Court. So far as the production of the other witness for the defendant is concerned, the defendant has not even specified as to whom they desire to cite as witness and as to what ground prevented the defendant from bringing the witness today before this Court, in spite of being aware of the order for proceeding with further OPW positively today before this Court.

As such, no satisfactory ground has been made out by the defendant to allow the prayer for adjournment as the Court made it very clear in the previous orders dated 03.01.2023 and 16.03.2023 that the defendant was to proceed with their evidence without any further delay considering the age of the case and the long pendency of the application u/s 7(2) of WBPT Act, 1997.

In view of the above, this Court finds that the adjournment application filed by the defendant does not warrant any sufficient ground to allow the same.

Hence, I am inclined to reject the application for adjournment filed by the defendant on this day.

However, liberty is given to the defendant to produce the original challans, if any, or any other equivalent documents, issued by competent authority before this Court prior to the disposal of the application u/s 7(2) of WBPT Act, 1997 for appropriate and effective adjudication of the said application.

Hence, the evidence for further APW is closed.

Fixing **07.06.2023** for OPW, if any.

Dictated and corrected by me:

*Judge*

**Smt. Sudipa Banerjee**

**J.O. Code : 01148**

**Judge, 3<sup>rd</sup> Bench,**

**Presidency Small Cause Court,  
Calcutta.**