

## **Title Suit 92 of 2015 (R- 9/2016)**

Order no \_\_\_\_\_ dated 18.05.2016

Today is fixed for argument. Plaintiff is represented by his Ld Advocate and submitted his readiness for the argument.

Defendant no. 1 filed a petition for recalling of the order dated 11.05.2016 passed by the court. He contended that the Ld Advocate of his side did not get opportunity to cross examine the DW1 due to which he suffered irreparable loss and injury. Ld Advocate of the plaintiff and defendant no.2 opposed such move and submitted that the petitioner lost opportunity to cross examine when his petition for adjournment was rejected.

After the completion of hearing the Ld Advocate of the petitioner alleged that the court is made for adjudication and not for speedy disposal and court has to apply common sense for adjudicate and not to go on disposing the suit on speed.

I have perused the petition, materials on record and considered submission and allegations made.

This court vide order dated 11.05.2016 closed the evidence with reasoned order and the court has no duty to translate the meaning of the order to the petitioner in his mother tongue. It is expected that the Lawyer will be able to read the true meaning of the order which he wants to be recalled. No appeal/revision petition was filed by the petitioner against such order. On perusal of the entire record I think there is no reason to recall the order dated 11.05.2016. Therefore this petition is rejected on contest and without cost.

It appears to the mind of this court that the defendant no.1 is trying to drag the case and being frustrated with the endeavour of the court to speedy disposal of this case levelled allegation against the court for which this court thinks not to comment as the people of India know the quality and performance of judiciary from the Himalayan pendency of odd 3.20 crores cases.

Apprehending attempt of derailing the disposal of this case from the side of the defendant no.1, fixing 31.05.2016 for judgement. Parties are at liberty to file written arguments if they so desire.

Typed by me

Judge. Small Causes Court,

Sealdah