

T.S.39 of 2009
(CIS-328 of 17)

Order no.100 dated 16/02/2022

Today is fixed for presence of Rabial Mallick and filing of medical documents.

Both parties are filing hazira through their respective Ld. Advocates.

Heard the submissions of Ld. Advocates of both sides.

The fact which is revealed after careful perusal of the record and the submissions of the Ld. Advocates is that one Rabial Mallick was examined and cross-examined in part as D.W-1 and thereafter he had been alleged to have become ill. The defendants then intended to adduce D.W-2 without completing the evidence of D.W-1. The plaintiff then filed a petition by supporting affidavit. The Ld. Predecessor of this Court heard the said affidavit and directed the D.W-1 Rabial Mallick along with medical documents vide order no.88 dated 13.12.2019 but till date the said Rabial Mallick remained absent and filed some medical documents through the Ld. Advocate for the defendants which were objected by the Ld. Advocate for the plaintiff.

Under the above circumstances, it appears that an extensive hearing is required on the point of incomplete evidence of D.W-1. Hence, the next date is fixed for hearing on the said point. The parties are at liberty to file W/O, supporting affidavit, if any in the mean time by serving copy of the same to the other side. No further unnecessary adjournments will be allowed for hearing of the same.

To 17/03/2022 for hearing on the point of incomplete evidence of D.W-1 and the earlier filed affidavit.

D/C by me;

Civil Judge (Jr. Divn.)
Garhbeta.