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IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction

ORIGINAL SIDE

CS/254/2008

IA No. GA/8/2010(OLD No. GA/3614/2010), GA/14/2022

ANJANA KHARKIA AND ANR.
VS.
SMT. KUSUM JAIN AND ORS.

BEFORE:

The Hon'ble JUSTICE RABINDRANATH SAMANTA

Date: 29th June, 2022.

Appearance:
Mr. Bajrong Manot, Adv.
Mr. Sarosij Dasgupta, Adv.
... for the plaintiff.

Mr. Sudip Deb, Adv.
Mr. D. K. Jain, Adv.
Mr. Sankarsan Sarkar, Adv.
Ms. S. De, Adv.
Mr. A. Saha, Adv.
... for the defendant nos. 2,3.

The Court : This is an application seeking recalling of the order dated 13th May, 2022 passed by this Court and permission to cross-examine the witness of the plaintiffs.

I have heard learned Counsel appearing for the defendant nos. 2 and 3.

I have heard learned Counsel appearing for the plaintiffs.

Learned Lawyer appearing for the plaintiffs submits that he has no objection if the application is allowed.

It appears that this Court by an order dated 13th May, 2022 closed the evidence of the plaintiffs on submission of the learned Counsel appearing for the plaintiffs. By the same order the suit was posted for defendants' evidence on 13th June, 2022.

Learned Counsel appearing for the defendant nos. 2 and 3 submits that leave may be granted to cross-examine the plaintiffs' witness (PW1), otherwise his clients will be prejudiced.

Having heard learned Counsels appearing for the parties, I feel that it will be conducive to the interest of justice if the defendant nos. 2 and 3 are permitted to cross-examine the plaintiffs' witness (PW1).

In view of the above, the application is allowed.

Let the portion of the order by which the plaintiffs' evidence was closed be recalled.

The defendant nos. 2 and 3 are permitted to cross-examine the plaintiffs' witness (PW1).

Let the suit be posted for cross-examination of PW1 on 19th July, 2022.

It appears that by order dated 22nd December, 2010 the application being IA No. GA/8/2010(OLD No. GA/3614/2010) has already been disposed of.

Therefore, application being GA/14/2022 appearing in today's list be treated to have been disposed of.

Leave is given to the parties to obtain certified copy of the deposition/evidence of PW1 within ten days from date.

(RABINDRANATH SAMANTA, J.)