

CRP 418/2006  
BEFORE  
HON'BLE MR JUSTICE H N SHARMA  
CRP No 418/2006  
17.11.2006

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THE HON'BLE MR JUSTICE H N SHARMA

Heard Mr IA Talukdar, learned counsel for the petitioner.

The petitioner has challenged the order dated 11.8.2006 passed in TS No 63/97 (renumbered as TS No 143/2006). Although by the impugned order, the learned trial court has rejected the prayer of the petitioner to allow PW- 2 to be examined by the other side and also rejected the prayer for sending Ext- 1 to handwriting expert at the time of hearing of the petition. The learned counsel has confined his argument only to the first part of the order, ie, relating to refusal to allow PW- 2 to be brought again for cross-examination. It is submitted by the learned counsel that PW- 2 is the vital witness of the plaintiff, inasmuch as, it is he who wrote the Ext- 1 as described. In fact, Ext- 1 is an agreement on the basis of which the suit has been filed. It appears from the records that the said agreement was written by PW- 2, has already been exhibited as Ext- 1. The learned trial Court after passing speaking order rejected the said prayer, particularly, on the ground that on earlier occasion vide order dated 24.1.2006, the Additional District Judge fixed the case for hearing after closing the evidence of the plaintiff and on the face of the said order the learned trial Court did not feel inclined to grant relief to the petitioner. That apart, the learned trial Court also find that no ground has been shown as to why on the earlier date fixed, PW- 2 was absent. On the face of the admission of the said agreement for sale as Ext- 1 and submission of the learned counsel that he would be seriously prejudiced is not acceptable. The learned trial Court passed the impugned order considering all the necessary facts and circumstances in exercise of his jurisdiction vested on him under the law. In such a situation, I do not find it to be a fit case to exercise the superintending jurisdiction of this Court interfering with the impugned order. Further, since the case is of the year, 1992, the learned trial Court shall disposed of the same as expeditiously as possible preferably not later than at any rate six months from the date of receipt of this order.

With the aforesaid direction and observations, this revision petition stands dismissed.

JUDGE

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