

(1928) 01 CAL CK 0034**Calcutta High Court****Case No:** None

Ramnarain Roy Chowdhury and
Another

APPELLANT

Biswanath Banerjee

Vs**RESPONDENT****Date of Decision:** Jan. 13, 1928**Citation:** 112 Ind. Cas. 456**Hon'ble Judges:** Zahid Suhrawardy, J; Graham, J**Bench:** Division Bench**Judgement**

1. We think that in this matter the proper order to be passed is this: The examination of the petitioner (defendant No. 2 in the suit) will be postponed till the evidence on the side of the plaintiff is closed. Then if the petitioner does not offer herself for examination on the side of the defendants, the plaintiff will be at liberty to examine her, as his witness. The learned Counsel for the petitioners gives an undertaking that she will be available at Dacca for examination by the plaintiff at the stage that we have indicated. By this order we do not mean to suggest; that he must necessarily be examined. The Rule is made absolute in these terms.

2. The costs of the "Rule will be costs in the cause. We assess the hearing fee at five gold mohurs.