

C.O. 2238 of 2024

19.08.2026

Sl no. 45

Ct no. 2

P.M.

Smt. Sipra Das & Anr.

- Vs -

**The Chairman, Serampore
Municipality, Hooghly & Anr..**

Mr. Dibyendu Chatterjee
Mr. Rahul Deb Goenka,
Mr. Mainak Singha Barman,
Ms. Satabdi Das
... for the petitioners.

Mr. Arka Kumar Nag,
Ms. Deboleena Ghosh
... for the opposite parties.

1. Present petition has been filed challenging the order No. 122 dated 16th April, 2024 passed by learned Civil Judge, Junior Division, 2nd Court, Serampore, Hooghly in Title Suit NO. 341 of 2016, whereby the learned Trial Court allowed the application of the opposite party/defendant for marking photocopy of the tenancy agreement as exhibited and certified copy of plaint of Title Suit NO. 14 of 2008.
2. Learned counsel for the petitioner submits that besides all other objections the present order is totally erroneous as the similar application was moved earlier before the same Court which was rejected vide order dated 14th August, 2023.

3. Learned counsel submits that this contention was recorded in detail by the learned predecessor of this Court in order dated 28th April 2025.
4. Learned counsel for the opposite party has appeared and submits that presently the post of chairman Serampore Municipality is vacant and Board of councilors, Serampore Municipality has been superseded.
5. Learned counsel further submits that the petitioner/plaintiff has not even impleaded Serampore Municipality before the learned Trial Court in Title Suit No. 341 of 2016.
6. Learned counsel submits that the Chairman and the Board of Councillors are elected from time to time to look after the Serampore Municipality. Learned counsel submits that the Serampore Municipality is an appropriate and necessary party which should have been impleaded.
7. Learned counsel for the petitioner seeks liberty to move a proper application before the learned Trial Court for impleading the Serampore Municipality as the defendant.

8. However, learned counsel submits that the impugned order may be set aside as it is patently illegal on the face of it.
9. The Court have considered the submissions. In the order dated 28th April, 2025, this court has inter alia observed that it is of prima facie view that the application praying for marking photocopy of the tenancy agreement as an exhibit, is barred by the principles of res judicata, as earlier application with the same prayer had been rejected by the same court by order dated 14th August, 2023.
10. Thus taking into account the entire facts and circumstances of this case the impugned order dated 16th April, 2024 is set aside, keeping the contentions regarding the admissibility of the tenancy agreement open and to be decided in accordance with law during the final appreciation of evidence in accordance with law.
11. The petitioners may also move an appropriate application for impleading Serampore Municipality, which shall be considered by the learned Trial Court after giving both parties an opportunity of being heard in accordance with law.

12. With this observation this petition is disposed of.

13. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dinesh Kumar Sharma, J.)