

D/L- 20
01/09/2026
Ct. No.- 6
Aritra

C.O. 2908 of 2026
Smt. Shail Jaiswal & Anr.
Vs.
Biswanath Shah

Mr. Kushal Chatterjee
Mr. Sibashis Chowdhury

....for the petitioners

Mr. Debayan Sinha
Ms. Anyasha Das

....for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated July 23, 2026 passed by the learned Civil Judge (Jr. Div.), Bidhannagar in Title Suit No.33 of 2020.

By the order impugned the application of the petitioner praying for expunging certain statements from the affidavit-in-chief of the P.W.1 stood rejected.

Mr. Chatterjee, learned advocate for the petitioners submits that certain statements have been made in the affidavit-in-chief which were beyond the pleadings. He submits that the evidence beyond the pleadings cannot be looked into and for such reason the petitioner sought to expunge certain statements from the affidavit-in-chief of the P.W.1.

Heard the learned advocate for the opposite party on such submission.

In course of argument Mr. Chatterjee, learned advocate for the petitioners could not cite any provisions of

the statute which permits a defendant to pray for expunging a portion of the affidavit-in-chief filed by the plaintiff witness.

In the absence of any power vested upon the court under the statute to expunge any portion of the evidence, this Court is not inclined to accept the submission of Mr. Chatterjee that certain portions of the affidavit-in-chief should be expunged only on the ground that the same is beyond the pleadings.

The learned trial judge rejected the application by assigning cogent reasons. This Court is not inclined to interfere with the order impugned.

Accordingly, CO 2908 of 2026 stands disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)