

26.03.2021
(S/L-60)
Ct.-18
(Susanta)

(Via Video Conference)

CO 2865 of 2019

Sri Suresh Agarwal & Anr.
-Vs-
Smt. Lata Khannah & Ors.

Mr. Arjun Samanta,
..... For the Petitioners.

Mr. Siddhartha Lahiri,
Mr. Debraj Dutta,
..... For the Opposite Parties.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction and is directed against order no. 78 dated August 16, 2019 passed by the 2nd Court of Learned Civil Judge (Senior Division), Barasat, 24-Parganas (South) in Title Suit No. 32 of 2010.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioners under Order XIII Rule 10 of the Code of Civil Procedure for bringing the records of Title Suit No. 47 of 2011 in the present suit.

The petitioners want to produce the plaint of the said suit to demonstrate that the alleged original landlord of the suit property has filed the said suit for eviction against them.

Mr. Siddhartha Lahiri, learned advocate for the plaintiffs/opposite parties, submits that the

petitioners can file the certified copy of the plaint of the said suit for the aforesaid purpose.

Sub-Section (2) of Order XIII Rule 10 of the Code prescribes that to get an order under the said provision of the Code it is required to show that without unreasonable delay or expense a duly authenticated copy of the record or of such portion thereof cannot be obtained.

The certified copy of the plaint of the said Title Suit No. 47 of 2011 since can be produced for the purpose of which the petitioners are seeking to bring the records of the said suit, the learned Trial Judge is absolutely justified in dismissing the application of the petitioners.

The order impugned, therefore, does not call for any interference.

The learned Trial Judge is requested to expedite the disposal of the suit.

C.O 2865 of 2019 is disposed of with the above terms.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)