

APO No. 16 of 2021
I. A No. GA 1 of 2021
arising out of
GA No. 5 of 2019
Old No. 2587 of 2019
CS No. 258 of 2009
IN THE HIGH COURT AT CALCUTTA
In appeal from its
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

Nand Lal Rathi
Versus
A. T. Gooyee Enterprises

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice MD. NIZAMUDDIN
Date: 19th February 2021

Appearance:
Mr. Siddhartha Lihiri, Advocate
Mr. Debraj Dutta, Advocate
for the defendant/appellant

Mr. Jayjit Ganguly, Advocate
Mr. Pradip Sancheti, Advocate
for the plaintiff/respondent

The Court: This is a suit for eviction. As understood by this Court after hearing learned counsel, the plaintiff has already led evidence. It is closed. It is now the defendant's turn to lead evidence.

At this stage, the defendant made an application (GA 5 of 2019; Old No. 2587 of 2019) in the trial court for appointment of a handwriting expert to give an opinion with regard to the execution of certain documents tendered by the plaintiff and exhibited in Court.

In our opinion, this is not the correct procedure at all. It would have the effect of delaying the trial.

Now that the turn of the defendant has come to adduce evidence, it is for him to disprove the case of the plaintiff by adducing oral evidence or furnishing documentary proof through witnesses.

Such an application is thoroughly misconceived.

Learned judge has rightly dismissed the said application by an order dated 23rd December 2020.

There is no merit in the appeal. we dismiss the same. The connected application (I.A. No. GA 1 of 2021) is also disposed of.

The trial may proceed with rights and remedies open to the defendant.

(I. P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)

R. Bose