

(04)
07.07.2022
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO No. 1388 of 2021
Partha Sengupta & anr.
-versus-
Gopa Chatterjee

Mr. Tarak Nath Halder,
... for the petitioners.

Mr. Probal Kumar Mukherjee,
Mr. Suhrid Sur, ... for the opposite party.

The plaintiff in a suit for eviction of a licensee is the petitioner of the present application under Article 227 of the Constitution of India which is directed against the order dated January 09, 2020 passed by the learned Civil Judge (Junior Division) at Bidhannagar, District : 24 Parganas (North) in the said suit being Title Suit No. 343 of 2012.

The learned Trial Judge by the order impugned has sent a development agreement for assessment of the stamp duty payable on the said document to the concerned Collector on the ground that it is not sufficiently stamped.

The said document since has already been marked as Exhibit-4 in the suit without objection the defendant has lost her right to object its admissibility on the ground that it is under stamped. (See: **AIR 2007 SC 637** in the case of **Shyamal Kumar Roy –versus- Sushil Kumar Agarwal**).

The order impugned therefore is not sustainable and is accordingly set aside.

CO 1388 of 2021 is thus **allowed** without any order as to costs.

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

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

(Biswajit Basu, J.)