

07.03.2022
Item No.13
Court No.18
AJ.

C.O. 1995 of 2019

Sri Santosh Chatterjee

-Vs-

Uttam Halder

Ms. Madhumita Patra.

....for the petitioner.

Mr. Angshuman Chakraborty.

....for the opposite party.

The plaintiff in a suit for eviction of the licensee is the petitioner of the present application under Article 227 of the Constitution of India which is directed against Order No. 65 dated November 12, 2018 passed by the Additional Court of the learned Civil Judge (Junior Division), Hooghly in the said suit being Title Suit No. 2 of 2015.

The defendant by an agreement dated November 16, 2006 agreed to purchase the suit property.

The plaintiff in course of hearing of the suit proved the said document and it was marked exhibit- '5' vide Order No. 39 dated March 9, 2016.

The learned Trial Judge by the order impugned has sent the said document to the Collector for assessment of stamp duty payable on it, as the same was not sufficiently stamped.

The document since has already been Exhibit, the question of admissibility of the said document cannot be reopened [**see: Shyamal Kumar Roy -Vs- Sushil Kumar Agarwal** reported in **(2006) 11 SCC 331**].

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

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

C.O. 1995 of 2019 is disposed of with the above terms without any 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.)