

Item-55 23-06-2022

sg Ct. 8

FMA 948 of 2012

Ratan Kumar Sen & Ors.
Versus
Sashanka Chatterjee & Anr.

The parties are not represented nor any accommodation is prayed for on their behalf. Even on the earlier occasion i.e. on 20th June, 2022, the parties were not represented.

We have perused the order under appeal.

In spite of the order for discovery, the plaintiffs have not disclosed the documents, which form the sheet anchor of their case. Under the amended provision of the Code of Civil Procedure, there is a requirement to file documents along with the plaint. The said documents are vital to establish the right, title and interest of the plaintiffs over the suit premises. Non-disclosure of documents may result in a finding that the plaintiffs may not have any cause of action.

On such consideration, we do not find any reason to interfere with the order passed by the learned Trial Judge on 2nd March, 2012.

With the above observations, the appeal is dismissed accordingly.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)