

11.07.2022
(D/L-12)
Ct.-18
(Susanta)

C.O. 1726 of 2022

Md. Rofikul Islam
-Vs-
Abdul Karim & Ors.

Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjee,
.... For the Petitioner.

Mr. Shibasis Chatterjee,
.... For the Opposite Parties.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for declaration of title and injunction which is directed against order no. 10 dated May 11, 2022 passed by the 1st Court of learned Civil Judge (Junior Division) at Berhampore, District-Murshidabad in the said suit being Title Suit No. 67 of 2011.

The learned Trial Judge by the order impugned has dismissed an application under Section 151 of the Code of Civil Procedure filed by the petitioner praying that the volume of the Exhibit-D be called for from the concerned Registry office.

The said document Heba-Bil-Iwaz executed and registered in the year 1948 has already been marked exhibit in the suit with objection. The evidentiary value of the said

document would be considered along with other evidences on record.

The suit has reached the stage of argument, the prayer of the petitioner for bringing the volume copy of the said document from the concerned Registry Office, at this stage, would cause unnecessary delay in the disposal of the suit.

The learned Trial Judge, therefore, has rightly dismissed the said application.

The order impugned does not call for any interference.

C.O. 1726 of 2022 is dismissed with the above terms 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 with all requisite formalities.

(Biswajit Basu, J.)