

(48)
04.04.2022
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

CO No. 2232 of 2019

**Sugata Saha
-versus-
Smt. Labanya Roy & ors.**

Mr. Kushal Chatterjee,
... for the petitioner.
Mr. Ramprakash Banerjee,
Mr. Bidyut Baran Biswas,
... for the opposite parties.

Affidavit of service filed on behalf of the petitioner in Court today be kept with the record.

The instant revisional application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for eviction of trespassers and is directed against the order dated June 13, 2019 passed by the 2nd Court of learned Civil Judge (Junior Division), Sealdah in the said suit being Title Suit No. 697 of 2018.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner under Order XI Rule 14 of the Code of Civil Procedure on the ground that the said application was filed at a belated stage of the suit.

Mr. Kushal Chatterjee, learned counsel for the petitioner, files an Information Slip wherefrom it appears that the plaintiff has not yet filed his affidavit-in-chief, therefore, the trial of the suit has

not yet been commenced. The said Information Slip dated July 9, 2019 be kept with the record.

On perusal of the written statement filed by the opposite parties it appears that they are claiming to be the Bharatia of the suit property under one Gopal Karmakar, the alleged thika tenant, which is the basis of their defence in the suit property as such the defendants are bound to disclose the documents on which their said defence is based.

The learned Trial Judge therefore is not justified in dismissing the said application that too without supplying any reason.

The order impugned is set aside.

The learned Trial Judge is requested to reconsider the said application in accordance with law as expeditiously as possible.

CO 2232 of 2019 is disposed of on 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 of all requisite formalities.

(Biswajit Basu, J.)