

23.12.2022
Item No.4
Ct. No.7
CHC
(disposed of)

C.O. 2704 of 2022

**Debi Sree Sree Maa Manasha Thakurani and Shri
Shri Shibo Thakur of Village Kantakhola
represented by Maa Manasha Mandir Samity & ors.
Vs.
Smt. Pramita Koley & ors.**

Mr. Sumalya Chakraborty
...for the petitioners

Mr. Souri Ghosal
...for the opposite parties

The subject-matter of challenge in this case is against the order dated 19th July, 2022, passed by learned Civil Judge (Junior Division), 2nd Court, Uluberia, rejecting an application filed by the petitioners/plaintiffs under Order 11 Rule 12 C.P.C. proposing to inspect some deeds/documents disclosed in the written statement submitted by the defendants.

Mr. Chakraborty, learned advocate appearing for the petitioners disputes with the impugned order submitting that when there has been disclosure of some documents/deeds, an inspection of such documents after its production, if not allowed, there may be ineffective trial, and to make the trial meaningful and effective, such inspection of the documents/deeds disclosed in the written statement

of the defendants ought to have been considered by the court below.

Per contra, Mr. Souri Ghosal, learned advocate appearing for the opposite parties submits that neither the petition is accompanied by any schedule of documents/deeds sought to be inspected, nor there is any specific averment disclosed seeking inspection of the documents/deeds pursuant to the disclosure of such documents by the defendants in the written statement already submitted.

It is thus submitted by learned advocate for the opposite parties that for the vagueness of the petition filed by the petitioners/plaintiffs, there has been rejection of such prayer, and the order impugned does not require any interference.

Upon perusal of the impugned order, together with a petition filed under Order 11 Rule 12 C.P.C., it appears that there is no schedule of documents/deeds disclosed in the petition itself, sought to be inspected. The documents disclosed by the defendants in the written statement, if allowed to be inspected, before setting the suit for peremptory hearing at the appropriate stage, there would be no prejudice caused to the opposite parties.

No further elaboration is called for..

The revisional application stands disposed of upon setting aside the impugned order with a direction upon the court below to hear out the same afresh within six weeks from the date of communication of this order to the court below.

Petitioners are however, given liberty to file a supplementary affidavit disclosing the schedule of deeds and documents, sought to be inspected, supplying a copy well in advance to the opposite parties/defendants, within fortnight from the date of communication of this order.

While endeavouring hearing afresh, the supplementary affidavit, to be furnished by the petitioners disclosing the schedule, may be considered along with the original application filed by the petitioners under Order 11 Rule 12 C.P.C.

Parties are directed to make communication of this order to the court below.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)