

S/L 59
16.01.2023
Court. No. 12
Sourav

CO 751 of 2019

**Sri Sunanda Banerjee alias
Sunanda Mohan Banerjee**

Vs.

Sri Ananda Mohan Bandopadhyay & Ors.

*Mr. P. K. Banerjee
Ms. Indrani Nandi*

...for the petitioner.

Mr. Sandip Bhagat

...for the opposite party no. 1.

Affidavit-of-service filed in Court today be kept with the record.

Learned advocate for the petitioner and learned advocate for the opposite party no. 1 are represented by their respective learned advocates. None appears for the opposite party no. 2 despite service.

The instant revisional application under Article 227 of the Constitution of India arises out of the order no. 27 dated 05.01.2019 as passed by the learned Civil Judge (Junior Division), 2nd Court at Chandannagar, Hooghly in Title Suit No. 193 of 2016.

Perused the impugned order.

Heard the learned advocates for both the parties. On perusal of the impugned order, it transpires to the Court that by the impugned order learned trial court has refused to pass a direction upon the Branch Manger, State Bank of India, Haripal Branch to disclose the names of the account holders, date of opening of those accounts, opening amount of those accounts and the statements of those accounts from the date of opening till 31.03.2015 on the ground of absence of pleading.

On perusal of the photocopy of the plaint as filed in Title Suit No. 193 of 2016 and as has been annexed with the mark P-1, it reveals to me that in the said suit, the plaintiff/petitioner has sought for a declaration of his 1/5th share as deposited by his predecessor-in-interest in the custody of the State Bank of India, Haripal Branch. Such being the position, this Court finds no justification in not allowing the prayer as made by the plaintiff under cover of his application dated 01.12.2018.

Accordingly, the instant revisional application is hereby allowed on contest.

The impugned order no. 27 dated 05.01.2019 as passed by the learned Civil Judge (Junior Division), 2nd Court at Chandannagar, Hooghly in Title Suit No. 193 of 2016 is allowed. As a result, the petition dated 01.12.2018 as filed by the plaintiff in Title Suit No. 193 of 2016 stands hereby allowed on contest.

Learned trial court is thus directed to issue appropriate direction upon the Branch Manager, State Bank of India, Haripal Branch to supply the information as sought for by the plaintiff under cover of his application dated 01.12.2018.

Department is directed to forward a copy of this order to the learned trial Court at the earliest.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Partha Sarathi Sen, J.)