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RUP

11.04.
2023

C.O 741 of 2023

**Debibrata Chattopadhyay
Vs
Jharna Ghosh**

Mr. Aniruddha Chatterjee,
Mr. Saptarshi Kumar Mal,
Mr. R A Khan.

... For the petitioner.

Affidavit of service filed by the petitioner is taken
on record.

None appears on behalf of the opposite party.

This revisional application has been filed
challenging the order dated 14th February, 2023 in
connection with Title Suit No. 23051 of 2012 whereby
learned Judge disallowed the prayer for proving the
document which was already filed by the plaintiff and
marked as 'Y' for identification.

Learned Judge referring to the modified order of
the Hon'ble Apex Court passed on 26.08.2022 denied
the prayer of plaintiff to prove the document which has
already been filed before the Court.

I am unable to agree with the learned Trial Judge
as the Apex Court modified the order passed by the
Trail Court orders dated 14.01.2022 and 08.04.2022
and defendant was permitted only to cross-examine the
plaintiff with regard to the documents produced by the
plaintiff. Hear in this case, on behalf of the plaintiff one
document has already been filed and marked as 'Y' for

identification. On behalf of the petitioner/plaintiff one application was filed before the learned Trial Judge to adduce evidence to prove the document which was marked as 'Y' for identification.

I do not find any reason to disallow such prayer permitting the plaintiff to prove the document, which has already been filed in the record.

In the premises set forth above, the order impugned dated 14th February, 2023 stands set aside.

Learned Civil Judge (Senior Division), 2nd Court, Alipore is requested to give liberty to the plaintiff to prove the document marked as 'Y' for identification by adducing evidence on a particular date fixed by the learned Trial Judge on receipt of this order.

Learned Trial Judge is also requested not to allow any adjournment application on the date save and except extreme urgency.

Petitioner is directed to make communication of this order to learned Civil Judge (Senior Division), 2nd Court, Alipore.

With this observation and direction, the revisional application stands disposed of.

All the parties shall act on the server copy of this order duly downloaded from the official web site of this Court.

(Bibhas Ranjan De, J.)

