

Ct. No. 652
2023
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C.O. 976 of 2019
Abdur Rasid Gazi
-Versus-
Abdul Halim Laskar

Mr. Tarun Kanti Halder ...For the Peititioner

Mr. Subhendu Banerjee ...For the Opposite Party

This is an application under Article 227 of the Constitution of India against order No. 91 dated 19th December, 2018 passed by the learned Civil Judge (Senior Division), 2nd Court, Baruipur in Title Suit No. 101 of 2017.

By the impugned order learned Court below was pleased to reject the defendant's application dated 28th June, 2017 wherein the defendant has sought for sending "Exhibit-1" before the hand-writing expert to ascertain the truthfulness of the said document.

However, Mr. Tarun Kanti Halder, learned Counsel appearing on behalf of the petitioner submits that presently he is not pressing the present application which has been preferred against the order dated 19th December, 2018, passed in connection with the defendant's application dated 28th June, 2017, since examination of said document by handwriting expert may cause further delay in disposal of the original suit. However, he submits that the defendant's another application dated 15th July, 2017 is still pending before the Court below for hearing, wherein the defendant has alleged that the document which is marked as "Exhibit-1" has not been properly stamped and as such "Exhibit-1" is liable to be expunged from evidence.

In such view of the matter, C.O. 976 of 2019 is

hereby dismissed being not pressed.

However, the Court below is directed to dispose of the defendant's application dated 15th July, 2017 wherein the defendant has allegedly prayed for expunging "Exhibit-1" at the earliest without being influenced by any observation made herein.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, on priority basis on compliance of all usual formalities.

(Ajoy Kumar Mukherjee, J.)