

S/L 57  
30.01.2023  
Court. No. 12  
*Suvayan*

**CO 950 of 2022**

**Koushik Ghose  
Vs.  
Kuntala Ghose & Ors.**

*Mr. Sounak Bhattacharya  
Mr. Sounak Mandal*

*...for the petitioner.*

*Mr. Partha Pratim Roy  
Mr. Sarbananda Sanyal  
Ms. Poulami Chakraborty*

*...for the opposite party No. 1.*

In this revisional application under Article 227 of the Constitution of India the Order No. 11 dated 21.02.2022 as passed in Title suit No. 580 of 2021 by the learned Civil Judge (Senior Division), 9<sup>th</sup> Court Alipore, South 24 Parganas is under challenge.

By the impugned order learned Trial Court has been pleased to reject the petition under Order 11 Rules 1, 12 and 13 of the Code of Civil Procedure dated 08.09.2021 hereinafter referred to as the said application as filed by the plaintiff in a suit for declaration an injunction. The plaintiff felt aggrieved and, thus, preferred the instant revisional application.

Mr. Bhattacharya, learned Advocate for the plaintiff/petitioner in course of his hearing draws attention of this Court to the copy of the plaint as filed before the learned Trial Court, the copy of the said petition and the impugned order as passed by the learned Trial Court. It is contended by Mr. Bhattacharya that

since before the learned Trial Court it is the plaintiff case that the plaintiff is entitled to 50 per cent share in respect of the properties and all other liquid assets as left behind by his mother, particulars of which have been given in the schedule of the plaint, learned Trial Court ought to have allowed the said application by directing the defendant No. 1 to provide copies of the documents as mentioned in the Schedule-A of the said application and to answer to the interrogatories particulars of which have been mentioned in the Schedule-B of the said application. Mr. Bhattacharya, learned Advocate for the plaintiff/petitioner, thus, submits that it is a fit case for allowing the instant revisional application.

Mr. Sanyal, learned Advocate for the defendant No.1/opposite party No.1, however, opposes the prayer of Mr. Bhattacharya. It is contended by Mr. Sanyal that so far as the prayer of the plaintiff before the learned Trial Court is concerned in the said application learned Trial Court is very much justified in refusing to provide the copies of the documents which have been mentioned in Schedule-A of the said application, since certified copy of I.T. returns are the personal documents of his client and since in her written objection the defendant No. 1 has specifically stated that she had not entered into any agreement for sale.

It is further submitted by Mr. Sanyal that learned Trial Court is also justified in not allowing the interrogatories of the plaintiff as mentioned in the

Schedule-B of the said application in as much as those are no way related with the subject matter of the suit as pending before the learned Trial Court.

This Court has perused the entire materials as placed before this Court including the certified copy of the impugned order. This Court has given its anxious considerations over the submissions of the learned Advocates for the contending parties.

On conjoint perusal of the entire materials as placed before this Court, it appears to this Court that learned Trial Court is very much justified in refusing the prayer of the plaintiff in providing the copies of I.T. returns and agreement for sale for the reason as mentioned in the impugned order.

However, in considered view of this court, learned Trial Court is not justified in refusing the prayer of the plaintiff to direct the defendant No. 1 to answer to the interrogatories as mentioned in the Schedule-B of the said application as in considered view of this Court those are very much necessary for effective adjudication of Title Suit No. 580 of 2021 especially when it is the plaint case that plaintiff has 50 per cent share in respect of the properties and assets left behind by her mother.

Such being the position, the instant revisional application is allowed in part. The defendant No. 1/opposite party No. 1 is hereby directed to give answers to the interrogatories in writing to the plaintiff within a period of fortnight from the date of passing of this order.

With the aforementioned observation the impugned Order No. 11 dated 21.02.2022 is modified to the extent indicated hereinabove.

Accordingly, the instant revisional application being CO 950 of 2022 is disposed of.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

**(Partha Sarathi Sen, J.)**