

17.10.2023
Item No.7
gd/ssd

CO/3240/2023
MARJINA BIBI & ANR.
VS
USMAN SARKAR.

Mr. Masud Karim,
Ms. Ranjana Talapatra,
Sekh. Sahanawaz,
Mr. Abdul Amanulla Khan,
Ms. Sonia Khan
..for the Petitioners.

Mr. Sudeep Sanyal,
Mr. Sukanta Das
..for the O.P.

The order dated 4th August, 2023 passed by the learned Civil Judge (Junior Division), Ghatal, Paschim Midnapore in Title Suit No.48 of 2009 is under challenge in this civil revisional application.

The application filed by the defendants for calling the document for the purpose of appointing an LTI expert for comparison of the Left Thumb Impression of one Mangal Bhangi in the deed being No.133/2002 was rejected by the impugned order.

The learned Advocate appearing for the petitioners submits that since the petitioners have filed this suit praying for a declaration of title and for injunction, in order to decide the dispute involved in the suit, the appointment of an LTI expert for

comparison of the Left Thumb Impression of Mangal Bhangi is necessary.

The learned Advocate appearing for the opposite party submits that the said application was filed at a belated stage only after the death of the said Mangal Bhangi. He further submits that the learned Trial Judge by a reasoned order dismissed the said application.

After going through the impugned order, this court finds that the learned Trial Judge took note of the fact that the challenge to the execution and/or registration of the exhibit-6 i.e. deed was already barred by limitation and the said fact was incorporated only by filing an additional written statement sometimes in the year 2020. The learned Trial Judge further noted that the original defendant no.1 had sufficient time during his lifetime to prefer such application for calling the LTI registered but it was done only in the year 2020 for the purpose of delaying the disposal of the suit.

This Court finds that the learned Trial Judge dismissed the said application by passing a reasoned order.

For such reason, this Court is not inclined to interfere with the order impugned.

Accordingly, CO 3240 of 2023 stands dismissed.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)