

ML. 48
24.07.2023
Court. No. 19
GB

C.O. 3843 of 2022

Netai Mondal & Ors.
Vs.
Shibpada Mondal & Ors.

Mr. Pronojit Roy

...for the Petitioners.

This Court does not find it necessary to interfere with the order impugned. The learned Civil Judge (Junior Division), 9th Court at Alipore, District – South 24 Parganas, allowed the defendants to produce some documents mentioned in the affidavit-in-chief which were disclosed in the written statement. At the time of filing of the written statement, such documents were not annexed to the written statement. At the stage of evidence of DW1, such prayer was made by filing an application under Order 8, Rule 1A of the Code of Civil Procedure.

The learned court below upon coming to the finding that the Sub-Rule 3 allowed the defendant to take leave from the court and file such left out documents, allowed the application.

In the light of the decision of the Hon'ble Apex Court in the matter of ***Levaku Pedda Reddamma & Ors. versus Gottumukkala venkata Subbamma & Anr.*** passed in ***Civil Appeal No.4096 of 2022 [@ SLP (C) No.7452 of 2022]***, the learned court found that the original of the documents which were mentioned in the affidavit-in-chief was sought to be filed in court so that the

same could be marked as exhibits and the learned court allowed the application.

The order impugned does not call for any interference. The probative value and/or the evidentiary value of the documents, shall be decided at the trial, as rightly held by the learned court below

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)