

April 5, 2024
Sl. No.3 & 4
Court No.19
s.biswas

CO 3 of 2023

Ms. Rina Banka
vs.
Vishnu Gupta

WITH

CO 633 of 2023

Vishnu Gupta
vs.
Ms. Rina Banka

Mr. Mahendra Prasad Gupta
Mr. Ayan Mitra
Ms. Antara Panja
Mr. Sartak Singh

... for the petitioner
in CO 3 of 2023
& for the opposite party
in CO 633 of 2023

Mr. Bishajib Ghosh
Mr. Avirup Mondal
Md. Hanif

... for the petitioner
in CO 633 of 2023
& for the opposite party
in CO 3 of 2023

C.O. No.3 of 2023

The order impugned dated November 17, 2022 passed by the learned Civil Judge (Junior Division), 10th Court at Alipore, South 24 Parganas, is under challenge. The learned court, rightly denied to mark the photocopy of the licence agreement dated February 26, 2016 as an exhibit. The photocopy/xerox copy of the agreement was produced without following the Indian Evidence Act, 1872.

If the petitioner in CO 3 of 2023 can tender the document and prove the same in terms of the

provisions of the Indian Evidence Act, 1872 relating to tendering of secondary evidence, the learned court shall mark the same as exhibit, failing which the suit will proceed in accordance with law, without such document.

As it is submitted that evidence has been closed, the petitioner will be given one last opportunity to prove the document as a secondary evidence in accordance with law within the time to be fixed by the court and not beyond 15 days from date. No adjournments will be allowed. The plaintiff will be entitled to cross-examine the witness on such document. The plaintiff shall be allowed to advance further arguments, in this regard.

It is desired that the suit should be disposed of within the next three months from date.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

All the parties are directed to act on the basis of the server copy of the order.

C.O. No.633 of 2023

In view of disposal of C.O. No.3 of 2023, the revisional application being C.O. No.633 of 2023 has become infructuous and the same is disposed of accordingly.

(Shampa Sarkar, J.)