

M/L 27
10.6.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 60 of 2024

Dinesh Kumar Goyal

Vs.

Kanakendra Mohan Chowdhury & Ors.

Mr. Pratyush Patwari

...for the Petitioner.

Mr. Pratik Majumder

...for the Opposite Party Nos.1-3.

The revisional application under Article 227 of the Constitution of India is directed against the order dated November 20, 2023 passed by the 2nd Court of learned Civil Judge (Senior Division), Barasat in Misc. Case No.24 of 2019.

The opposite party nos.1, 2 and 3 have suffered an ex-parte decree of eviction in Title Suit No.1277 of 2015 passed by the 2nd Court of learned Civil Judge (Senior Division) at Barasat, 24 Parganas (North) and have filed an application under Order IX Rule 13 of the Code of Civil Procedure for setting aside the said ex-parte decree, being the said Misc. Case No. 24 of 2019.

The petitioner is claiming that during the pendency of the proceeding, the interest in respect of the suit property has devolved upon him, and is contesting the said Misc. Case as such.

In the connected Misc. Case, the judgment debtors have filed several documents, e.g. Agreement for assignment dated 06.09.2011, Deed of Disclaimer dated 06.09.2011, Agreement for Tenancy dated 06.09.2011, Unauthorized Tenancy Agreement dated 01.03.2010, Construction Agreement dated 02.11.1996, Agreement for Assignment dated 02.11.1996, Affidavit and Declaration

dated 02.11.1996 and Affidavit and Disclaimer dated 02.11.1996.

The learned Trial Judge, by the order impugned has dismissed an application filed the petitioner for impounding the aforementioned documents on the ground that those are not sufficiently stamped.

The investigation in the Misc. Case is restricted and limited to the extent as to whether the summons was duly served upon the judgment debtors or not, in view of such limited scope of the Misc. Case, the prayer of the petitioner to impound the said documents is a misconceived action, the order impugned therefore does not call for any interference.

The documents referred to above are irrelevant to the scope of the Misc. Case, as such, the learned Trial Judge need not trouble himself to consider the said documents in deciding the Misc. Case on merit..

The disposal of the said Misc. Case be expedited, and in doing so, no prayer of the parties for unnecessary adjournment shall be entertained.

CO 60 of 2024 is disposed of with the above observations, there shall be no order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)