

M/L 4
10.6.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 61 of 2024

Chaitali Palodhi

Vs.

The State of West Bengal & Ors.

Mr. Pinaki Ranjan Mitra

...for the Petitioner.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for declaration of title being Title Suit No. 1376 of 2016 pending before the First Court of learned Civil Judge (Junior Division), Howrah and is directed against the Order No. 62 dated October 3, 2023.

The learned Trial Judge by Order No. 56 dated August 24, 2022 had disposed off an application filed by the plaintiff under Order XI Rules 14 & 15 of the Code of Civil Procedure by directing the defendant no.1 to produce the documents in terms of the answer to the interrogatories filed by the defendants on March 17, 2022.

The petitioner alleging non-compliance of the said direction has filed an application for striking out the defence of the defendants.

The learned Trial Judge by the order impugned has disposed of the said application holding *inter alia* that the defendant no.1 in compliance with the direction dated August 24, 2022 has filed some documents for inspection of the plaintiff.

The grievance of the petitioner is that the documents as directed have not been produced, instead some irrelevant documents were produced for inspection.

The plaintiff/petitioner should have approached the learned Trial Judge detailing the non-compliance of the order dated August 24, 2022, but the application for striking out the defence of the defendants in the suit lacks such clarity, as such, the order impugned does not call for any interference.

However, the plaintiff is at liberty to file a fresh application indicating with sufficient clarity regarding non-compliance of the order under Rule 15 of Order XI of the code and if such an application is filed, the learned Trial Judge is requested to dispose it of expeditiously in accordance with law.

CO 61 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.)