

18.07.2024
(M/L-82)
Ct.-19
(Susanta)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 1276 of 2024

M/S U.S. Lal a Partnership Firms
Represented by Sri Dipak Lal
-Vs-
M/S Bhandari Brothers

Mr. Amar Nath Das,
Ms. Pampa Ghosh,

... For the Petitioner.

The instant application under Article 227 of the Constitution of India is at the instance of the defendant/tenant in a suit for Ejectment which is directed against the Order No. 69 dated January 30, 2024 passed by the learned 7th Judge, City Civil Court, Calcutta in the said suit being *Ejectment Suit No. 151 of 2014*.

The learned Trial Judge is taking evidence of the parties to decide the application of the defendants under Section 7(2) of the West Bengal Premises Tenancy Act, 1997.

The plaintiff, the opposite party herein, in course of its evidence tendered some documents; the learned Trial Judge, by the order impugned has marked those documents as *Exhibit C* series being *C/1*, *C/2* and *C/3* after objection.

Mr. Amar Nath Das, learned advocate for the petitioner submits that the objection in admitting those documents must be decided immediately, otherwise the admissibility of those documents cannot be questioned subsequently, in support of his such contention he places reliance on the decision of the Hon'ble Supreme Court in the case of ***Lachmi Narain Singh (D) through LRs and others v. Sarjug Singh (Dead) through LRs. and others*** reported in ***AIR 2021 SC 3873***.

Heard Mr. Das, perused the materials on record.

The said *Exhibit C* series when has been admitted in evidence with the objection of the petitioner, the learned Trial Judge is obliged to give regard to the said objection at the time of consideration and placing reliance on the said Exhibits. The decision of the Hon'ble Supreme Court relied on by Mr. Das is a pointer to the proposition of law that if an objection is not taken at the time of marking the document, admissibility of the said document cannot be questioned subsequently, therefore the said decision is wholly misplaced in the facts and circumstances of the present case.

It is disturbing to note that the suit was filed way back in the year 2014, but the application under Section 7(2) of the Act of 1997 is still pending.

The learned Trial Judge therefore is requested to dispose of the said application as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

C.O. 1276 of 2024 is dismissed with the above terms without any 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 with all requisite formalities.

(Biswajit Basu, J.)