

S/L 1
03.10.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 1343 of 2023

With

CAN 2 of 2024

Smt. Aparna Maity

Vs.

Smt. Gopa Maity

Mr. Devranjan Das
Mr. Ganga Mukherjee

...for the Petitioner.

Sk. Rejaul Alam

...for the Opposite Party.

The matter though has been brought to the list at the instance of the petitioner for extension of the interim order but by consent of the parties, it is taken up for final disposal.

The defendant in a suit for eviction of trespasser being Other Suit No.88 of 2020 is the petitioner of the instant application under Article 227 of the Constitution of India. The said suit is pending before the 3rd Court of learned Civil Judge (Junior Division), Tamluk.

The plaintiff, the opposite party herein did not file the list of documents he intends to rely upon. The petitioner, for the said default, had prayed for rejection of the plaint of the said suit.

The learned Trial Judge by the order impugned being Order No.9 dated July 30, 2022 has dismissed the said application.

The plaintiff, under Order VII Rule 14 of the Code of Civil Procedure is required to file a list of documents, consequence of non-filing of the said list would disentitle the plaintiff to rely on the said documents without the leave of the Court, not rejection of the plaint, as prayed for.

The order impugned, therefore does not call for any interference.

Time to comply with the requirement of Order VII Rule 14 of the Code is extended for a further period of one week after reopening of the Court below following the ensuing Puja Vacation.

Co 1343 of 2023 along with the application thereto being CAN 2 of 2024 are thus disposed of 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 of all requisite formalities.

(Biswajit Basu, J.)