

**Item 27.06.
No. 2024
04**

**Ct
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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

C.O. 1850 of 2022

**Smt. Kalpana Das
Vs
Sri Amar Ghosh**

Mr. Sujit Bhattacharya,
Mr. Suman Chatterjee.

... for the petitioner.

1. Affidavit of service is filed and taken on record.
2. Learned counsel appearing on behalf of the petitioner is present.
3. None appears on behalf of the opposite party.
4. This revisional application has been filed assailing the order No.14 dated 09.06.2022 passed by the learned Civil Judge (Junior Division), Chandannager, Hooghly in connection with Title Suit No. 17 of 2021 rejecting the application under Order 11 Rule 12 of the Code of Civil Procedure, seeking direction upon the opposite party/defendant to produce the original tenancy agreement..
5. Learned counsel appearing on behalf of the petitioner submits that in spite of seeking direction under Order 11 Rule 12 of the Code of Civil Procedure, learned Judge did not entertain the

same as defendant denied the possession of the document.

6. On perusal of the order, I find that learned Judge exercised his discretion provided in proviso to Rule 12 Order 11 of the Code of Civil Procedure on the ground of denial of possession of that original document.
7. I find hardly any infirmity in the impugned order as the petitioner/plaintiff has opportunity to file copy of the original document at the time of evidence subject to provision of the Evidence Act for admitting as secondary evidence.
8. With the aforesaid observation, the instant revisional application stands dismissed.
9. All parties to this revisional application shall act on the server copy of this order downloaded from the official website of this Court.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Bibhas Ranjan De, J.)