

IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION

CO 2081 of 2024

Kartick Chandra Pal

Vs.

Joni Middya & Anr.

*Mr. Dilip Kumar Maiti*

*...for the Petitioner.*

The defendant no.1 in a suit for specific performance of contract is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against the Order No.64 dated July 17, 2023 passed by the learned Civil Judge (Senior Division), Burdwan, Purba Burdwan in the said suit being Title Suit No.14 of 2013.

The suit is based on a document dated July 06, 2009, which the defendant is alleging is a money receipt, not an agreement for sale.

The defendant had filed an application praying that the said document be cancelled, the learned Trial Judge by the order impugned has dismissed the said application and has sent the document to the concerned Collector for assessment of the proper stamp duty payable on it as it was not sufficiently stamped.

The nature of the document would be decided in the suit by trial on evidence inasmuch as it is the main defence of the defendant. The document when was tendered in evidence, the learned Trial Judge had impounded it for assessment of payable stamp duty on it.

This Court does not find any illegality and/or infirmity in the procedure adopted by the learned Trial Judge, the order impugned therefore does not call for any interference.

CO 2081 of 2024 is dismissed, 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.)**