

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. 2214 of 2024

Swapan Bhattacharya

Vs.

Haragobinda Dewan & Anr.

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee,
Mr. Kaustav Bhattacharya ...For the petitioner.

Mr. Ayanava Bhattacharya ... For the O.P. No. 1.

Affidavit-of-service filed on behalf of the petitioner be kept
with the record.

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

The petitioner is the defendant in a suit for declaration of title
being Title Suit No. 270 of 2019, the said suit is pending before
the 2nd Court of learned Civil Judge (Junior Division) at
Serampore, District – Hooghly.

The petitioner is contesting the said suit with a defence that
there exists an agreement for sale between the parties.

The petitioner is alleging that the original of the said agreement
for sale is lying with the records of G.R. Case No. 984 of 2019
pending before the 3rd Court of learned Judicial Magistrate at
Serampore, District – Hooghly.

The learned Trial Judge by the part of the order impugned
being Order No. 54 dated June 03, 2024 has refused the prayer of
the petitioner to call for the records of the said criminal case.

The learned Trial Judge, under Order XIII Rule 10 of the Code
of Civil Procedure, has the power to call for the records of the said

criminal case [See ***LAKSHMI & ANR. vs. CHINNAMMAL ALIAS RAYYAMMAL & ORS.*** reported in (2009) 13 SCC 25].

In view of the aforesaid, the order impugned is set aside.

The learned Trial Judge is requested to take necessary steps to call for the records of the said criminal case.

C.O. 2214 of 2024 is disposed of 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.)