

30.08.2024
Item No.12,
DL, Ct.19
A.J.

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

C.O. 3010 of 2024

Abdul Rashid Gazi

-Vs-

Masud Khan & Ors.

Ms. Nupur Chowdhury.

.....for the petitioner.

The present application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction which is directed against Order No. 45 dated January 18, 2024 passed by the 2nd Court of the learned Civil Judge (Junior Division), Diamond Harbour, District: 24-Parganas (South) in Misc. Case No. 12 of 2022.

The petitioner has suffered an ex parte decree of eviction, for setting aside of it, he has taken out an application under Order IX Rule 13 of the Code of Civil Procedure registered as connected Misc. Case No.12 of 2022.

The petitioner is alleging non-service of summons. On his prayer, the postal article, i.e. the Acknowledgement Due Card evidencing service of such summons was sent to the Question Document Examination Bureau, Government of West Bengal, for comparing the signature appearing in the said Card with the admitted signature of the petitioner. The said exercise was carried out and a report is lying with the record.

The petitioner had filed an application for sending the said document to a central forensic laboratory again. The learned Trial Judge, by the order impugned has dismissed the said application holding that the petitioner can challenge the report already on record but sending the said document for another report again would be amounting to discarding the said report already on record.

This Court does not find any infirmity and/or illegality in the order impugned warranting interference.

C.O. 3010 of 2024 is thus, dismissed without any order as to costs.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)