

13.02.2026
Item No.41
Ct. No. 30
Aloke

CO 3208 of 2015

Astik Dey & Ors.

Vs.

**Shree Shree Sridhar Jew Thakur represented by its
shebait & Ors.**

Mr. Aniruddha Chatterjee, Id. Sr. Adv.
Mr. Sounak Bhattacharya
Mr. Abir Lal Chakraborty
Mr. Sounak Mandal
Mr. Anirban Saha Roy
Ms. Bipasha Bhattacharyya
..for the petitioners

Mr. P.K. Banerjee
... for the opposite parties

1. Affidavit-of-service filed be kept with the record.
2. The revisional application has been preferred challenging order no. 21 dated 03.07.2015 passed by the learned Civil Judge (Senior Division), 2nd Court, Chinsurah, Hooghly, in Title Suit No. 224 of 2013.
3. Vide the impugned order, the learned trial Court disposed of the matter wherein the Court had directed the plaintiff/opposite parties herein to produce the documents relied upon in the plaint.
4. It appears that the said documents were not produced in spite of the Court directing the plaintiff/opposite parties to do so.
5. On perusal of the copy of the plaint and the provision under Order 7 Rule 14(1) CPC, it appears that there is prima facie violation of the said provision as the

plaintiff/opposite parties are required to mandatorily file the original documents along with its copies at the time of filing of the plaint. In cases where the plaintiff does not have the documents in his possession, the plaintiff has the liberty to invoke the provision under Order 7 Rule 14 clause 2 of the CPC. As to how the plaint was admitted by the trial Court is a question, considering that the plaint has not been filed by complying the provision of Order 7 Rule 14 CPC.

6. It appears that the trial Court has overlooked the mandatory provision of Order 7 Rule 14 CPC and in spite of the plaintiff not producing any documents on which the total plaint is based, the trial Court with the observation that the plaintiffs' case shall suffer for non-production of the said documents has proceeded for recording evidence in spite of the fact that the defendants could not file their written statement, as the documents on which the plaint is based are not part of the plaint.

7. Thus, the impugned order of the trial Court is not in accordance with law.

8. The civil revision is disposed of with liberty granted to the defendant/petitioner herein to invoke the provision of Order 7 Rule 11 CPC, within 30 days from the date of this order before the trial Court, which the trial Court shall take up for hearing and decide the same, in accordance with law.

9. Connected application, if any, stands disposed of.

10. Interim order, if any, stands vacated.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)