

24-04-2025
Item no.27
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO No.1342 of 2025
Ganesh Sharma
-vs-
Ratan Chandra Dey

Mr. Ataur Rahaman ...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the claimant and is directed against an order being no.49 dated April 19, 2025 passed by the learned Additional District Judge, 1st Court at Sealdah in MACC No.11 of 2017.

By the order impugned, an application of the petitioner praying for issuance of summons upon the doctors of NRS Medical College and Hospital and Charnok Hospital Private Limited stood rejected.

Learned counsel for the petitioner submits that since all the medical documents relating to the treatment of the claimant were lost, the petitioner filed the application for issuing summons upon the aforesaid persons.

After going through the application dated November 14, 2024, this court finds that there is no reference of the fact that the documents in connection with the treatment of the claimant were lost. The learned trial judge drew an adverse inference against the petitioner that after producing a letter dated February 21, 2024 wherein it was stated that all documents were lost, the documents were produced by the petitioner before the court on February 13, 2025. For such reasons, the trial judge was pleased to

reject the application dated November 14, 2024.

This court does not find any infirmity in the impugned order warranting interference under Article 227 of the Constitution.

Thus, CO No.1342 of 2025 stands dismissed.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Hiranmay Bhattacharyya, J]