

Sl.30
24.04.2025
Court No.6
BP

C.O. 1346 of 2025

Haji Sk. Md. Ali Rezak alias Shaikh
Mohammad Ali Rezak
-versus-
Jiaul Rahaman

Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee
Mr. Sandip Kundu
..for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no.25 dated March 10, 2025 passed by the learned Civil Judge(Senior Division), 1st Court at Uluberia in Money Suit No. 03 of 2022.

By the order impugned the prayer of the petitioner to mark the trust deed as an exhibit stood rejected.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the reasons for not marking the trust deed as an exhibit is only that the same is beyond the pleading. Mr. Banerjee further submits that the trust deed is relevant document for the purpose of proving the case of the petitioner. The petitioner herein filed a suit claiming damages for defamation.

After going through the averments made in the plaint this Court finds that there was no reference to the trust deed in the plaint as rightly observed by the learned trial judge. That apart the trust deed cannot be said to be a relevant document for the purpose of proving the damage to the reputation of the petitioner which the petitioner is seeking to prove in the suit for defamation.

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

At this stage the learned advocate appearing for the petitioner submits that since 21st April, 2025 was fixed for further evidence of the plaintiff witness and in default for evidence of the defendant witness, an opportunity may be granted to the plaintiff witness to give further evidence without the trust deed.

After going through impugned order this Court finds that the evidence of the plaintiff witness has not yet been closed.

Mr. Banerjee, learned advocate appearing for the petitioner, in his usual fairness, submits that the prayer for adjournment was allowed by the learned trial judge on 21st April, 2025 and the evidence of the plaintiff witness has not yet been closed.

In the light of the submissions made by the learned advocate for the petitioner, C.O. 1346 of 2025 is disposed of by leaving the petitioner free to adduce

further evidence of the plaintiff witness. However, the order directing payment of cost stands deleted.

It is, however, made clear that the learned trial judge shall proceed with the hearing of the suit without being influenced by the observations contained in the order impugned to the effect that the issue is not how much social status the plaintiff has in the society.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)