

Court No. 6
(265719)

26.08.2025
(AD 24)
(S. Banerjee)

CO 3047 of 2025

Swapan Kumar Podder
Vs.
Chandan Kumar Mondal & Ors.

Mr. Abhijit Roy
Mr. Abhradip Maity
Ms. Shatabdi Sen

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against order dated June 17, 2025 passed by the learned Judge, 10th Bench, City Civil Court at Calcutta in Title Suit No. 1025 of 2020. By the order impugned the application filed by the petitioner for summoning the Officer-in-Charge, North Port Police Station to produce the original partnership deed dated December 6, 2013, stood rejected.

Mr. Roy, learned advocate appearing for the petitioner submits that the original partnership deed was seized by the police authorities in connection with a criminal case and the same is lying in the custody of the police authorities. He submits that in view thereof, the original document may be directed to be produced by the Officer-in-Charge, North Port Police Station.

After going through the evidence this court finds that the photocopy of the partnership deed dated December 6, 2013 was produced by the PW-1 which was marked as 'Y' for identification. It further appears from the evidence of the plaintiffs' witness that the plaintiffs did not take any effective step for marking the secondary evidence as an exhibit.

It appears from the record that the original partnership deed is lying in the custody of the police authorities in connection with North Port Police Station Case No. 41 dated May 26, 2018. This court is of the view that the learned trial judge was right in not allowing the prayer of the petitioners to summon the Officer-in-Charge of the North Port Police Station to produce such documents. When the photocopy of the partnership deed was produced before the learned trial judge it was well open to the plaintiffs to take appropriate steps for marking the secondary evidence as an exhibit. However, for reasons best known to the petitioners, no steps were taken by the petitioners to mark the said document as an exhibit.

At this stage Mr. Roy, learned advocate appearing for the petitioner submits that opportunity be given to the petitioner to take appropriate steps for marking the secondary evidence as an exhibit.

It will be open to the petitioner to take appropriate steps in accordance with law before the learned trial judge.

With the above observations, CO 3047 of 2025 stands disposed of without interfering with the order impugned.

(Hiranmay Bhattacharyya, J.)