

Court No. 6
(265719)

10.09.2025
(AD 18)
(S. Banerjee)

CO 3178 of 2025

Biswanath Roy & Anr.
Vs.
Mandira Nagar Arun Sangha, represented by SWapan
Basak & Ors.

Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee

...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the plaintiffs and is directed against order no. 61 dated May 21, 2025 passed by the learned Civil Judge (Jr. Division), Additional Court, Berhampore, Murshidabad in Title Suit No. 208 of 2013. By the order impugned, certified copies of certain sale deeds were marked as Exhibit B, C and D respectively subject to objections to be raised by the plaintiffs.

Mr. Banerjee, learned advocate appearing for the petitioners submits that the documents which were tendered in evidence and marked as exhibits, were beyond the pleadings. He further submits that without the said documents being proved in accordance with law, the same were marked as exhibits.

On a query of the court, Mr. Banerjee, learned advocate appearing for the petitioners, in his usual fairness, submits that there is no provision for expunging after the documents have been marked as exhibits. He submits that the documents were marked as exhibits behind the back of the petitioners. He submits that the petitioners may be allowed to raise objection with regard to the said exhibits at the appropriate point of time.

After going through the order impugned this court finds that the certified copies of the sale deed nos. 7425/2015, 7506/2015 and 2276/2015 were marked as exhibit B, C and D respectively subject to objections raised by the plaintiffs as per the decision of the Hon'ble Supreme Court in the case of Bipin Shantilal Panchal -Vs.- State of Gujrat. The learned trial judge has preserved the right of the plaintiffs to raise objections.

Thus, this court finds that the petitioners cannot be said to be prejudiced by the impugned order.

For such reason, this court is not inclined to interfere with the order impugned.

With the above observations CO 3178 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)