

01.12.2025
M/L No.10
Court No.6
(gc)

CO 4034 of 2025

**Susanta Ghosh
Vs.
Sri Raghunath Basak & Ors.**

Mr. Chinmay Pal,
Mr. Piyush Kanti Sarkar,
Ms. Swati Mandal
...for the Petitioner.
Mr. Arindam Sadhukhan,
Mrs. Fatima Hassan,
Mr. Partha Khan
...for the Opposite Party.

1. This application has been filed challenging an order dated September 17, 2025 passed by the learned Judge, 2nd Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No.272 of 2018. By the order impugned, the learned Court rejected an application under Order VIII Rule 1A(3) read with Section 151 of the Code of Civil Procedure.
2. The petitioner wanted to produce a document being a title deed, to show ownership of the plaintiff no.4 in respect of Flat No.3B on the 3rd floor of the building at 2, Jadu Pandit Road, Kolkata – 700 006. It is submitted that the Court should have permitted such document as the suit has been filed for reasonable requirement and the requirement of the plaintiffs has been reduced

substantially, upon acquisition of the property by the plaintiff no.4.

3. The learned Court was of the view that in the affidavit-in-chief, D.W.1 relied on the said acquisition, although, the deed was not filed and an electricity bill was marked as exhibit with objection. Thus, the document was no longer required for being brought on record. Moreover, the application did not mention why the deed could not be produced at the appropriate time.
4. It is submitted by the learned Advocate for the petitioner that the document was received some time in August, 2025 and as such could not be produced earlier.
5. The learned Advocate for the opposite party submits that acquisition of one of the flats by one of the plaintiffs, did not change the quantum of requirement. Secondly, the said application was filed only to delay the suit. At the stage of arguments, such frivolous application was filed, when the basis thereof was not even available in the written statement.
6. I appreciate the submissions of Ms. Fatima Hassan. However, the order impugned is set aside. The document shall be filed by following the due process of law. The learned Court shall pass necessary orders in accordance with law.

7. The corroborative value of the document shall be decided at the hearing and the objection of the plaintiffs that, the basis of the document not being available in the written statement, the same would not have any evidentiary value, shall be urged before the learned Court below.
8. Accordingly, the revisional application is disposed of.
9. As the suit is pending since 2018, the learned Court is requested to expedite the same and dispose of the same within four months from date.
10. A copy of the revisional application be served upon Ms. Fatima Hassan.
11. There shall be no order as to costs.
12. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)