

08.04.2026
Ct. No.30
SL No.**34&35**
MKP

CO 1070 of 2023

Ashim Alias Asim Mondal
Vs.
Sri Subham Paul

With
CO 1071 of 2023
Ashim Alias Asim Mondal
Vs.
Sri Subham Paul

Mr. Supriyo Kumar Ray
Mr. Tamal Banerjee
Mr. Souvik Maji
Ms. Priti Gupta

.....for the Petitioner

Mr. Supratim Dhar, Sr.Adv.
Mr. Dhananjay Nayak

.....for the O.P.

1. The revisional application has been filed challenging order no.78 dated 28.03.2023 passed by the Learned Civil Judge (Senior Division), Baruipur, in Title Suit No.229 of 2018.

2. Vide the impugned order, the Learned Trial Court has been pleased to direct as follows:

“Considering such position, the prayer made by the defendant no.20 regarding safe custody of Title Deed 3807 of 2017 in this court is turned down. Further it

appears that the I.O. has already notified the plaintiff for production of the aforesaid original deed. Now, it is the duty of the plaintiff to receive back the deed from this court to comply such notice.

Hence, it is,

ORDERED

*that liberty is hereby accorded in favour of the plaintiff to appear personally before this court on **04.04.2023** to receive back the document i.e., Title Deed 3807 of 2017 as the Ld. Advocate for the plaintiff is not willing to do so, for making production of the same to the investigating officer Hanskhali P.S. Case No.64 of 2022 or as the case may be to some other authority as necessity demands.*

*To **04.04.2023** for personal appearance of the plaintiff and further order.”*

- 3.** It appears that the Trial Court has observed that the Investigating Officer in the criminal case, has notified the plaintiff for production of the original deed and as such the Trial Court directed the plaintiff to appear personally to receive the original deed.

4. It appears from the document at page 70, where prayer had been made by the Investigating Officer before the Trial Court, praying for the prayer to collect the original gift deed, that the Inquiry Officer prayed before the Trial Court that **necessary order be kindly passed and to supply the gift deed in the interest of investigation.**
5. It appears that the said prayer has made before the Court, which has passed the impugned order and as such, it appears that the Court has wrongly recorded that the Investigating Officer has notified the plaintiff for production of the original deed.
6. It is clear from the prayer dated 28.02.2023, made by the Investigating Officer that the prayer has been made before the Court and not for direction to the plaintiff.
7. In view of the said facts, the impugned order dated 28.03.2023 is hereby set aside and the Trial Court being Civil Judge, (Senior Division), 1st Court, Baruipur, is directed to hand over the original title deed, on compliance of required formalities to the Investigating Officer by fixing a time frame as per the prayer of the Investigating Officer, for return of the said original deed to the Court.

8. On receiving back the original title deed, the Court shall then proceed in accordance with law.
9. The civil revision stands **disposed of**.
10. Applications, if any, connected thereto stand disposed of consequently.
11. Interim order, if any, stands vacated.
12. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt(Paul),J.]