

10.06.2026

Ct No.2
D/L 48
Mujahid

CO 1935 of 2025

Smt. Shila Sarkar & Anr.
Vs.
Smt. Dipali Banerjee & Ors.

Mr. Anirban Saha Roy

...for the petitioner

Mr. Shubham Gupta
Mr. Anirban Ghosh
Mr. Rajsekhar Bal Bakshi

...for the opposite parties

1. Present petition has been filed challenging the Order No.88 dated 24th April, 2025 passed by the learned Judge, 4th Bench, Presidency Small Cause Court, Calcutta in Ejectment Suit No. 291 of 2006. Vide the impugned order, the learned trial court Judge had allowed the application under Order XVIII Rule 17 of the CPC and allowed the letter of authority dated 17th August, 2024 to be brought on record.

2. Learned counsel for the petitioners submits that the order passed by the learned trial court is beyond the purview of Order XVIII Rule 17 as it amounts to filling of lacuna in the case of the plaintiff.

3. During the course of submissions, a consensus has emerged that the matter may be

relegated back to the learned trial court with direction to keep the question of admissibility, genuineness and evidentiary value of letter of authority dated 17th August, 2024 be kept open and the petitioners herein shall be given liberty to argue on the evidentiary value, genuineness and the fact that this letter of authority did not have any retrospective effect as well as the admissibility of the documents.

4. Learned counsel for the opposite parties also states that such question may be kept open and decide in accordance with law.

5. In view of this, the present petition is disposed of as per the rules with a direction to the learned trial court to afford the parties an opportunity of being heard on the admissibility, genuineness, evidentiary value and the retrospective effect of the letter of authority dated 17th August, 2024.

6. CO 1935 of 2025 stands disposed of.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)