

Item No.27
06.03.2026
Court. No. 12
GB

RVW 154 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025
In
CO 1826 of 2022

Shovarani Sarkar & Anr.
Versus
Krishna Gopal Mondal & Ors.

Mr. Nilanjan Pal,
Ms. Shreejita Sen

...for the Applicants.

Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De

...for the Respondents.

In Re: CAN 2 of 2025

1. This is an application for condonation of delay of 475 days in filing the review application. The review application has been filed from the judgment and order of this Court dated January 4, 2024, passed in CO No.1826 of 2022.
2. Upon perusal of the grounds stated in paragraphs 4 and 5 of the application for condonation of delay, this Court is satisfied that the petitioner was prevented by sufficient reasons from filing the review application within the stipulated period of limitation.
3. Accordingly, CAN 2 of 2025 is allowed and disposed of.

4. The review application is regularized.

In Re: CAN 1 of 2025

5. This is an application for stay of all further proceedings in Title Suit No.124 of 2007, which is pending before the learned Civil Judge (Junior Division), 1st Court at Rampurhat, Birbhum.
6. Instead of taking up the application separately, this Court proposes to proceed with the review application.

In Re: RVW 154 of 2025

7. The petitioner seeks review of the order of this Court on the ground that an observation had gone down that the erstwhile plaintiff had not raised an objection when the learned court had obtained the signature of the plaintiff in court and had directed the District Registry to send the documents containing the signature and LTI of the deceased plaintiff to the appropriate authority for examination and for expert opinion.
8. Mr. Pal, learned advocate for the petitioner has drawn the attention of the Court to an application filed by the erstwhile plaintiff seeking rejection of the application for appointment of the handwriting expert. Mr. Pal further submits that the learned court did not consider that the original deeds had not been produced in court.

9. In my view, this is a submission on the merits of the suit and is not a ground for review. It appears that by an order dated March 13, 2015, the learned trial Judge had directed the District Registrar, Suri, Birbhum, to send the documents along with the signature and thumb impression of the original plaintiff, which had been kept in the safe custody of the SDR, to the Director, QEDB, C.I.D., Bhavani Bhawan, Kolkata for examination and comparison of the LTI and signature. Comparison was to be made with the LTI of the plaintiff obtained by the court with the thumb impression appearing in the volume book at the registry office. The expert had given opinion and filed two reports. The petitioners raised objection in respect of the opinion. The court allowed evidence of the expert to be recorded. The objections of the petitioners against the report were not accepted, but the learned court had specifically recorded that the corroborative value of the said opinions/reports would be decided at the final hearing of the suit. This court upheld such order.
10. This Court also clarified that adverse presumption would be drawn if it was found that the original deeds were intentionally being withheld from the court.
11. Under such circumstances, there is no ground for review. It is clarified that, in order passed by this

Court on January 4, 2024, the observation that the erstwhile plaintiff had not filed an objection to the application for appointment of a handwriting expert be treated to be deleted and be it mentioned that an objection had been filed.

12. Accordingly, the review application is disposed of.

(Shampa Sarkar, J.)