

28.01.2026
Ct. No. 30
SL No. **34**
MKP

CO 2759 of 2018

Banasree Chandra

Vs.

Biswanath Chandra & Ors

Mr. Sabyasachi Chatterjee

Mr. Badrul Karim

Mr. Debadeep Ghosh

Mr. Surojit Roy

.....for the Petitioner

Name not supplied

.....for the Respondent

1. The civil revision has been preferred challenging order no.105 dated April 5, 2018 passed by the Learned Civil Judge, Senior Division, 1st Court at Rampurhat, Birbhum, in Title Suit No.71 of 2002.

2. Vide the impugned order the trial Court has been pleased to reject the petitioner's prayer for proving the certified copy of the deed, by calling for the volumne of the said deed from the office of the District Sub-Registrar, Suri, Birbhum.

3. It appears that the trial Court has rejected the petitioner's prayer on the ground that at any stage the document could be proved.

4. Admittedly, the original deed is in the custody of the opposite party herein and there is a criminal case registered in respect of the original deed, in which the charge-sheet has been filed.

5. Though the Learned Counsel for the opposite parties places the forensic report, to show that the report negates the case of forgery, this Court is of the view, that the petitioner herein at this stage has no other option but to have his certified copy proved, by way of secondary evidence, on calling for the volumne of the said registers, which at present are in the custody of the police in the criminal case. So proper procedure for production of the same is to be followed.

6. Accordingly, the impugned order is set aside and trial Court is directed to permit the petitioner to call for the relevant volumne from the District Sub-Registrar/Police and permit the petitioner to prove the certified copy of the deed in accordance with law.

7. **C.O.2759 of 2018** is **disposed of**.

8. Applications, if any, connected thereto stands disposed of consequently.

9. Interim order, if any, stands vacated.

10. 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]