

02.02.2026
M/L No.329
Court No.6
(gc)

CO 4547 of 2025

**Aparna Ghosh & Ors.
Vs.
Sri Subrata Ghosh**

Mr. Siva Prasad Ghose,
Mrs. Neha Roy,
Mr. Sujit Sahoo,

.....for the Petitioners.

1. This revisional application arises out of an order dated August 22, 2025 passed by the learned Civil Judge, Senior Division, 4th Court, Alipore in Money Suit No.408 of 2022. The petitioners filed a suit for damages and compensation against the defendant, on the allegation that the articles which were lying in the Schedule "A" property, had been thrown out by the defendant. The schedule "A" property was under the control and management of Rail Vihar Cooperative Society. The petitioners filed an application before the Court to summon the Secretary, Rail Vihar Cooperative Society and bring the said Secretary back as a summoned witness to produce three documents which the petitioners sought to rely upon. Such application was rejected.
2. According to the petitioners, those documents were already marked 'X' for identification, whereas, the learned Court found that the documents which the petitioners wanted the Secretary, Rail Vihar Cooperative

Society to produce as a summoned witness, were available with the original plaintiff, the predecessor-in-interest of the petitioners. Those documents were not produced before the Court. Under such circumstances, the prayer for production of the Secretary, Rail Vihar Cooperative Society Ltd. as a summoned witness did not arise.

3. Mr. Ghosh submits that the documents were produced and marked 'X' for identification. Hence, the Secretary, Rail Vihar Cooperative Society Ltd. should be summoned to prove those documents.
4. There is nothing on record to show that those documents were marked 'X' for identification upon production by the PW1. Two of the documents were addressed to the original plaintiff and it was supposed to be in the custody of the plaintiffs. They were not produced. The petitioners had the opportunity to produce the same and prove receipt thereof. The other document is a complaint made by the original plaintiff to the Secretary, Rail Vihar Cooperative Society which is also a document of the plaintiff. The Secretary, Rail Vihar Cooperative Society appeared as the witness of the plaintiffs, as PW2 and as such the onus was upon the plaintiffs to produce the relevant documents and adduce evidence on those documents and prove them. Once the Secretary, Rail Vihar Cooperative Society was

produced as the PW2, i.e., as a witness of the plaintiffs, recalling him as a summoned witness by the Court should not be permitted at this stage. The plaintiffs will have to prove their own case. Accordingly, the learned Court did not commit any error of jurisdiction in passing the order impugned.

5. It is also pertinent that the evidence of the PWs was closed some time back.
6. Under such circumstances, the revisional application is dismissed.
7. There shall be no order as to costs.
8. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)