

Order No. A-1

Dt.27.11.2020

The record of this instant case has been destroyed in a fire which took place in the erstwhile court room No.13, on 14.07.2020. Thereafter a prayer for reconstruction was made by letter vide Memo No. 20 dated 16.09.2020 to the Hon'ble High Court at Calcutta. The Hon'ble High Court at Calcutta was kind enough, after going through the context of the letter, to accord permission for reconstruction of damage record vide Memo No. 3146-A dated 25.09.2020.

Today one put up application is filed and moved on behalf of the claimant Sri. Mahadeb Halder Ld. Advocate Kanchan Chattopadhyay is present to represent the claimant Mahadeb Halder. It is submitted on behalf of the claimant that matter was fixed for hearing petition on 19.03.2020 on which date there was no judicial functioning of this court.

Today the claimant has filed copy of the original petition U/s 166 of the M.V. Act.

I have examined the claimant. During such examination, the claimant duly replied that he had filed copy of the original petition U/s 166 of the M.V. Act. During examination that this is the said identical copy of the original petition which he had filed before destruction of record. He also further confirmed that he has also filed copy of those application together with an affidavit. To that effect an affidavit has also been filed. Ld. Advocate Kanchan Chattopadhyay also confirms this fact that these are the same and identical copy which was filed by his client at the time of filing the suit.

Upon examining the claimant in detail and after going through the contents of the affidavit, I do not find any justification to disbelieve the statement made by the claimant No.1 and his lawyer.

As such prayer for reconstruction is allowed. The xerox copies of all the documents referred hereinabove, henceforth would be treated as a part of record of this instant probate case and this court will act upon the basis of those xerox copies, because the original record has been destroyed in fire took place in the court room No.13 on 14.07.2020.

B.C – II is hereby directed to reenter this suit into the present register and take steps in accordance with law. It appears from the CIS that matter was fixed for haring petition.

Fix 23.12.2020 for hearing.

The Ld. Advocate for the claimant is hereby directed to intimate both the Ld. Advocate as well as the O.P by notice .

D/C by me.

***MACC Tribunal,
13th Court, Alipore.***