

Misc. Case 05 of 2024

JO code : WB01349

Order dated 12.09.2025

Today the record is put up by way of a put up petition.

The Ld. Advocate for the respondents files a supplementary affidavit in connection with the counter objection filed on 07.01.2025 by the respondents.

Ld. Advocate for the Aggrieved person files an objection against the above supplementary affidavit as filed by the respondents.

Ld. Advocate for the Respondents submit that by way of the supplementary affidavit, the respondents want to submit the copy of the written statement filed on 25.07.2025 in TS Case No. 857 of 2024 (Subhraj Hait Vs Debraj Hait) and the amended written statement dated 28.07.2025 filed in TS No. 816 of 2020 (Smt. Rina Hait vs Debraj Hait and Subhraj Hait). He submits that submission of these documents are necessary for consideration at the time of passing of the order on maintainability ground, for these documents will shed light on the real matter in dispute. Further, through the said supplementary affidavit, the respondents also want to submit the copy of the citation in the case of Satish Chandar Ahuja Vs Sneha Ahuja AIR On Line 2020 SC 789. Therefore, prays before this Court for acceptance of the said documents for consideration.

Ld. Advocate for the aggrieved person vehemently raises objection submitting before this Court that both the parties were heard in full on the maintainability ground and the respondents had ample opportunity to file the said mentioned documents and now when the next date has been fixed for passing Order, the Respondents have no right to file such documents. Hence, prays for rejecting the said supplementary affidavit as filed by the Respondents.

Heard the Ld. Advocates for both the parties, perused the supplementary affidavit, the written objection, the documents as submitted by the Respondents by way of Firisti.

Now the question arises as to whether the documents as submitted by way of firisti will prejudice the aggrieved person in any way or not? It is true that both the parties have already been heard in full and the next date has been fixed for passing of the Order upon the Maintainability petition. However, TS Case No. 857 of 2024 and TS No. 816 of 2020 have very much been mentioned in the Counter objection as filed by the respondents on 07.01.2025. So, the said cases have not been mentioned for the first time today by the respondents. Therefore, this Court is of the opinion that the submission of the written statement filed on 25.07.2025 in TS Case No. 857 of 2024 and the amended written statement dated 28.07.2025 filed in TS No. 816 and all the documents relating to the said two cases as mentioned in the Firisti will not at all prejudice the aggrieved person but will rather help the Court to properly adjudicate the issue in hand and pass a reasoned Order thereby.

Therefore, in the above facts and circumstances, the supplementary affidavit through which the respondents have filed the documents by way of firisti is hereby allowed.

To date i.e. **15.10.2025** for Order.

Sd/-

D/C by me

J.M., 4th Court, Calcutta