

O.S- 2/24 (CIS- 03/24)
(CNR- WBWM11-000053-2024)

Order No. 04 Dated 17/12/2024

Today is fixed for S/R.
Plaintiff files hazira through Ld. Advocate.
No S/R has yet been received. It appears from the record that S/R stage is pending since long. Accordingly plaintiff is directed to take fresh step upon sole defendant.

Fix : 24/01/2025 for taking fresh step upon sole defendant.

S/d- Lipika Das
Civil Judge Jr.(Div) Addl.Court
Garhbeta, Paschim Medinipur
Judicial Code WB0 1479

T.S- 66/17 (CIS-147/17)
(CNR- WBWM11-000175-2017)

Order No. 140 Dated 17/12/2024

Today is fixed for apointed of new servey passed Commissioner.

Ld. Advocate for the plaintiff files a petition praying for time for apointed of new servey passed Advocate Commissioner on the ground stated therein.

Heared, Considered.

Prayer for adjournment by plaintiff is allowed.

Defendant files hazira.

Fix : 22/01/2025 for apointed of new servey passed Advocate Commissioner.

S/d- Lipika Das
Civil Judge Jr.(Div) Addl.Court
Garhbeta, Paschim Medinipur
Judicial Code WB0 1479

Order No. 86 Dated 17/12/2024

Today is fixed for evidence.

Plaintiff files hazira through Ld. Advocate.

Ld Advocate for the defendant files a petition praying for time for evidence of D.Ws on the ground stated therein.

Head, Considered.

Prayer for adjournment by defendant is allowed .

Fix : 27/01/2025 for evidence of D.W-1.

S/d- Lipika Das
Civil Judge Jr.(Div) Addl.Court
Garhbeta, Paschim Medinipur
Judicial Code WB0 1479

(CNR- WBWM11-000060-2024)

Order No. 03 Dated 09/12/2024

Today is fixed for filing requisite.

No steps taken by the plaintiff. Accordingly plaintiff is directed to show cause as to why suit shall not to be dismissed for default.

Fix : **08/01/2025** for filing show cause by the plaintiff.

Civil Judge Jr.(Div) Addl.Court
Garhbeta, Paschim Medinipur
Judicial Code WB0 1479

Order No 53, dated 09.12.2024

Today is fixed for passing order in respect of petition 13.11.2024 filed by the plaintiff.

Both parties filed representative haziras through their Ld. Advocate.
Defendant did not file any written statement in respect of the aforesaid petition.

Ld Advocate submitted before this Court that plaintiff in support his case filed some documents and some are marked as exhibited but some are not and those documents which are not marked as Exhibited, all are certified copy of deeds issued from the Registrar Office. The Ld. Advocate of the plaintiff submitted that those certified copies of the deeds should be marked as Exhibited documents from the side of the plaintiff and those documents are certified copy of gift deed being no 145 dated 14.01.1959, certified copy of sale deed being no 1121 dated 19.04.1993, certified copy of sale deed being no 04141 dated 06.11.2013, certified copy of sale deed being no 04140 dated 06.11.2013 and certified copy of sale deed being no 4143 dated 06.11.2013. In this context the plaintiff cited one case law, **Smt. Shanti Sinha & Ors Vs. Sanjoy Kumar Show & Ors, in C.O. 1883 of 2019, passed by Justice Ajoy Kumar Mukherjee (passed on 13 October, 2023)** The Ld. Advocate of the plaintiff prayed for the admission of those five certified copy of the deeds on proof for supporting the plaintiff's case.

Ld. Advocate of the defendant raised formal objection and submitted before this Court that the certified deeds should be admitted according to the provisions of law.

Heard & considered.

On careful perusal of the material available in record as well as submission of both the sides this Court opined that each of the party of a suit has the liability to prove his documents which he produces as per law. But in **Smt. Shanti Sinha & Ors Vs. Sanjoy Kumar Show & Ors, in C.O. 1883 of 2019, passed by Justice Ajoy Kumar Mukherjee (passed on 13 October, 2023)** and in this judgment Hon'able Court cited the observation of Apex Court judgment in Appaiya Vs. Andimuthu, 2003 SC 1183, with holding the same view that "Certified copy issued thereunder is not a copy of the original document, but it is a copy of the registration entry which is itself a copy of the original and is a public document under section 74(2) of the Evidence Act and Sub section (5) thereof, makes it admissible in evidence for proving the content of its original." In this context the aforesaid ruling is truly applicable to the present situation of this suit and the plaintiff should be permitted to admit the five deeds such as certified copy of gift deed being no 145 dated 14.01.1959, certified copy of sale deed being no 1121 dated 19.04.1993, certified copy of sale deed being no 04141 dated 06.11.2013, certified copy of sale deed being no 04140 dated 06.11.2013 and certified copy of sale deed being no 4143 dated 06.11.2013.

Hence, it is

ORDERED

the petition dated 13.11.2024 filed by the plaintiff be and the same is hereby allowed on contest without any amount of cost.

Next date **16.01.2025** for P.W. 3.

Medinipur.

S/d- Lipika Das
Civil Judge (Jr.Div) Addl.
Court, Garhbeta, Paschim

Order No. 45 Dated 21/11/2024

Today is fixed for taking sep.

Ld. Advocate for the DHR files a petition praying for time for taking step upon JDR No. 5, 6 and 11 the ground stated therein.

Heard, Considered.

Prayer for adjournment by DHR is allowed.

Fix : 06/01/2025 for taking fresh step upon JDR NO. 5, 6 and 11

Civil Judge Jr.(Div) Addl.Court
Garhbeta, Paschim Medinipur
Judicial Code WB0 1479

OFFICE OF THE CIVIL JUDGE (Jr. DIV) ADDITIONAL COURT , GARHBETA,
PASCHIM MEDINIPUR.

No.

Dated

From:

Lipika Das
Civil Judge (Jr. Div),
Additional Court, Garhbeta.
Paschim Medinipur.

To.
The Ld. District Judge,

Paschim Medinipur.

Sub: Prayer for casual leave for two days on 29/11/2024 and 30/11/2024

Respected Sir,

With due respect I am to inform you that for some personal work . So I request your good self to grant me casual leave for two days i/e 29/11/2024 and 30/11/2024 oblige. I also pray before your honour to grant me permission to leave station after court hours on 28/11/2024, till the morning 02/12/2024 (01/12/2024 being sunday), I shall re-join my office on and from 02/12/2024.

Sri Kishor Kumar Chakraborty J.M 2nd cum Civil Judge (Jr. Div) Court Garhbeta , Paschim Medinipur shall remain in charge of this Court in my absence.

Leave address :

Kolkata Tollygang.
M. No. 9002793239

Yours faithfully

Lipika Das
Civil Judge (Jr,Div).
AdditionalCourt,Garhbeta.