

CO. 1076 of 2026

08.04.26
D/L
SI-06
Ct. 06
(Samar)

Smt. Pallabi Ghosal alias Pallabi Ghosal Mukherjee
V.
Smt. Shyamali Das

Mr. Tanmay Mukherjee,
Mr. Souvik Das,
Ms. Swarnali Saha,
Mr. Rudranil Das,

... for the petitioner.

1. This revisional application assails an order dated February 10, 2026 passed by the learned Civil Judge (Senior Division), 8th Court at Alipore, South 24- Parganas whereby the petitioner's application for removal of Advocate Commissioner appointed for the purpose of taking evidence on Commission has been rejected.
2. Mr. Mukherjee, learned advocate appearing for the petitioner submits that on November 18, 2025 when evidence was being adduced on Commission before the learned Advocate Commissioner, a bunch of rent receipts were sought to be exhibited. The learned Advocate Commissioner recorded such fact in the minutes of the Commission Work but did not record the aspect of the rent receipts being exhibited and marked exhibits at the instance of the defendant's witness, who was being examined on Commission.
3. It is submitted that once a document is tendered in evidence the same is either marked as an exhibit

upon it being accepted as an exhibit or mark as 'X' for identification, if there is doubt as regards its acceptability as exhibit.

4. Mr. Mukherjee, submits that, in the case at hand, although the minutes record that rent receipts were exhibited, there is no indication as to whether the same were marked as exhibits or were marked 'X' for identification. Referring to the Commission Work conducted on November 11, 2025, he submits that the usual practice followed in taking evidence on Commission is to record minutes of the Commission Work in one sheet and deposition (which could include marking of exhibits upon documents being exhibited), on a separate sheet of paper.
5. Inviting the attention of this Court to the minutes of the Commission prepared on November 18, 2025, Mr. Mukherjee submits that on the said day no deposition was recorded although the minutes itself would reveal that the documents (rent receipts) were exhibited.
6. He submits that since a litigant would have right to challenge non-acceptance of a document as an exhibit, it would be necessary for the litigant to know as to whether the document tendered by the witness during examination has been marked as exhibits or not.
7. The petitioner shall serve a copy of the revisional application along with a notice on the opposite

party intimating the opposite party that the matter shall be taken up next on May 06, 2026.

8. Since it appears from the submissions recorded hereinabove viewed in the light of the material on record that an arguable case has been made out by the petitioner, the Commissioner shall postpone the date for taking evidence on Commission to a date later than the date which the revisional application is made returnable.

(Om Narayan Rai, J.)