

9th June,
2025
(AK)
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S.A.T 70 of 2025
IA No: CAN 1 of 2025

Sk. Jiarul Haque and others
Vs.
Sk. Ashrof Ali and others

Ms. Sima Ghosh
Mr. Kaustav Patra

...for the appellants.

1. The present second appeal will be heard on the following substantial question of law:

Whether the learned Judge of the First Appellate Court failed to take into consideration the impact of Clause (b) of sub-Rule (1) of Order XLI Rule 27 of the Code of Civil Procedure in refusing to permit the production of the certified copy of a deed indicating that the suit property is apparently a waqf property, which hits at the very root of the jurisdiction of the civil court to adjudicate the matter.

2. Leave is granted to the learned Advocate-on-record for the appellants to carry out the necessary amendment to the prayer portion of the application by incorporating the prayer for stay of operation of

the impugned judgments and decrees of the courts below.

3. Such amendment shall be carried out during the course of the day.
4. There shall be stay of operation of the impugned judgments and decrees of both the courts below till disposal of the application.
5. The appellants shall serve copies of the application on the respondents and file an affidavit-of-service to that effect on the returnable date before the appropriate Bench.
6. Liberty is given to the parties to pray for inclusion of the application in the list before the appropriate learned Single Judge having determination.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)