

(2024) 06 OHC CK 0031
In the Orissa High Court
Case No : CMP No.354 Of 2024

Puspalata Das

APPELLANT

Vs

Branch Manager, Syndicate Bank, Cuttack And Others

RESPONDENT

Date of Decision : 20-06-2024

Acts Referred:

Citation : (2024) 06 OHC CK 0031

Hon'ble Judges : K.R. Mohapatra, J

Bench : Single Bench

Advocate : Madan Sundar Behera

Final Decision : Dismissed

Judgement

K.R. Mohapatra, J

1. This matter is taken up through hybrid mode.
2. Order dated 2nd March, 2024 (Annexure-4) passed by learned Civil Judge, (Junior Division), Salipur in Civil Suit No.164 of 2016 is under challenge in this CMP, whereby an application filed by the Plaintiff-Petitioner to exhibit certain documents by examining herself, has been rejected.
3. It is submitted by Mr. Behera, learned counsel for the Petitioner that the suit was filed by one Kuni Mohanty. After adducing evidence, she died and Defendant No.6, namely, Puspalata Das was transposed as Plaintiff No.2 in the suit. After closure of evidence of the Plaintiff, namely, Kuni Mohanty, she obtained certain documents through Right to Information Act, 2005 and filed the same. But, before exhibiting those documents, she died. The Defendant No.6-Petitioner after being transposed as Plaintiff No.2 filed an application to exhibit those documents by examining herself. The same was rejected vide impugned order under Annexure-4. Hence, this CMP has been filed.
4. It is further submitted that the documents are necessary for just adjudication of the suit. Unless the documents are exhibited, the Plaintiff-Petitioner will suffer

irreparable loss. Learned trial Court, without considering the same, passed the impugned order, which is liable to be set aside.

5. Taking note of the submission made by learned counsel for the Petitioner and on perusal of the record, it is apparent that the Plaintiff, namely, Kuni Mohanty was examined in the case and the evidence of the Plaintiff was closed. It is stated that she had filed certain documents after closure of her evidence. But, before she could take steps to exhibit those documents, she died for which the Defendant No.6, namely, Puspallata Das was transposed as Plaintiff No.2. After closure of evidence of the Plaintiff, D.W.1, namely, Mandulata Das was examined, cross-examined and discharged by the Court. At the stage, when the evidence of both the parties were closed and the suit was posted for argument, the Petitioner filed the aforesaid application to exhibit certain documents filed by Kuni Mohanty (Plaintiff No.1) by adducing evidence.

6. In the petition filed by the Petitioner to exhibit the documents stated to have been filed by Kuni Mohanty (Plaintiff No.1), no ground with regard to their relevancy has been stated. It further appears that no list of documents intended to be exhibited by the Petitioner has been appended to the petition under Annexure-3. An application without stating the grounds for exhibiting the documents has been filed at a belated stage. Learned trial Court discussing the same held that the petition does not merit consideration. On perusal of the impugned order under Annexure-4, this Court finds no infirmity in the same.

7. Accordingly, this CMP, being devoid of any merit, stands dismissed.

Urgent certified copy of this order be granted on proper application.

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