

09.08.2021
(S/L-28)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 345 of 2020

Sri Alok Kumar Ghosal & Ors.

-Vs-

Mulajore Sarbartha Sadhak
Samabaya Samity Ltd.

Ms. Krishnakali Swar,
..... For the petitioners.

Mr. Sourav Sen,
Ms. Somashree Ghosh,
..... For the Opposite Party.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a suit for eviction and is directed against the order no. 103 dated December 23, 2019 passed by the 1st Court of Learned Civil Judge (Senior Division) at Barasat, 24-Parganas (North) in the suit being Title Suit No. 273 of 2006.

When the suit reached the stage of argument, the petitioners filed an application for for issuance of witness summons to BL & LRO Bkp, Shyamnagar, 24-Parganas (North) alleging that during the pendency of the suit, they received a notice from the office of the said authority of a proceeding initiated by defendant no. 4 (Sri Kanchan Chatterjee) for recording of

his name as owner in respect of the suit property.

The learned Trial Judge by the order impugned has dismissed the said application holding that the outcome of the said proceeding has got no relevance with the present proceeding.

The plaintiffs are seeking eviction of the defendants from the suit property on the strength of their title and have to succeed as such.

The claim of title by any party to the suit over the suit property before any other authority has no bearing with the issue to be decided in the said suit.

The learned Trial Judge, therefore, has rightly rejected the said application filed by the petitioners.

The order impugned does not call for any interference, C.O. 345 of 2020 is, therefore, dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)