

S/L 5
05.02.2021
Court. No. 19
GB

C.O. 896 of 2020

Artistry Properties Privated Limited

Vs.

Smt. Nanda Roy & Ors.

(Through Video Conference)

*Mr. Anirban Banerjee,
Mr. Biswajit Kumar,
Mr. Rajib Baliyal,
Mr. Debayan Sen.*

...for the Petitioner.

This revisional application has been filed by the defendant in Title Suit No.128 of 2006, pending before the learned Civil Judge (Junior Division), 1st Court at Alipore.

It is the contention of the petitioner that despite there being a specific direction of the learned Additional District Judge, 3rd Court at Alipore, an order dated April 17, 2017 was passed directing the learned trial judge to make an enquiry as to the valuation of the suit property and take steps accordingly in terms of the said order. The valuation has not yet been ascertained and the application under Order VII, Rule 11 of the Code of Civil Procedure filed by the defendant is also pending.

The defendant submits that since 2017 the matter was not taken up and the matter was adjourned on several occasions.

This revisional application is disposed of with a direction upon the learned Civil Judge (Junior Division), 1st

Court at Alipore to take immediate steps in terms of the order of the learned lower appellate court and thereafter proceed with the suit in terms thereof. The exercise in ascertaining the valuation should be completed within a period of three months from the next date fixed.

If the learned court finds that the learned court has jurisdiction in the matter, in that case, the learned court below shall dispose of the pending applications expeditiously.

It is made clear that this Court has not gone into the merits of the claim and counter-claim of the parties and the learned court below will proceed independently and in accordance with law.

The petitioner is directed to serve a copy of this revisional application along with a server copy of this order upon the opposite party within a week from date.

The revisional application is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)