

08.03.2021
(S/L-80)
Ct.-18
(Susanta)

(Via Video Conference)

CO 906 of 2020

Sri Pranabesh Samanta
-Vs-
Smt. Kalyani Mondal & Ors.

Mr. M. P. Gupta,
Ms. Antara Panja,
..... For the Petitioner.

Mr. Debabrata Sen,
Mr. Arun Kumar Das,
..... For the Opposite Parties.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction and is directed against order dated November 30, 2019 passed by the 6th Court of learned Civil Judge (Junior Division), Howrah in Title Suit No. 87 of 2019.

The defendants in the aforementioned eviction suit filed an application for stay of all further proceedings of the said suit on the ground of pendency of a suit for specific performance of an agreement for sale of the suit property filed by them being Title Suit No. 84 of 2018 pending before the 3rd Court of Learned Civil Judge (Senior Division) at Howrah.

The learned Trial Judge considering the stage at which the connected eviction suit has reached has dismissed the said application.

Mr. Gupta, learned advocate appearing on behalf

of the petitioner informs this Court that there is a subsisting order of injunction passed in the suit for specific performance whereby the possession of the petitioner over the suit property has been protected.

Mr. Debabrata Sen, learned advocate appearing on behalf of the plaintiffs/opposite parties does not dispute such contention of Mr. Gupta.

Mr. Sen after taking instruction from his client who is present in Court, assures this Court that in the event the opposite parties are successful in obtaining a decree in the eviction suit, they would not execute the said decree till the disposal of the said suit for specific performance but Mr. Sen categorically opposes stay of further proceeding of the eviction suit only on the ground of pendency of the said suit for specific performance.

The possession of the petitioner over the suit property has been protected by an order of injunction and in view of the aforesaid assurance given by the opposite parties there is no need to arrest the further proceeding of the eviction suit during the pendency of the said suit for specific performance.

However, the 3rd Court of learned Civil Judge (Senior Division) Howrah is requested to dispose of the Title Suit No. 84 of 2018 expeditiously preferably within a period of eight months from the date of communication of this order.

The learned Judge to adhere to the time limit fixed by this order for disposal of the said suit shall not grant any unnecessary adjournment to either of the parties.

C.O. 906 of 2020 is disposed of with the above terms. No 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.)