

S/L 80  
15.03.2021  
Court. No. 19  
GB

C.O. 613 of 2021

Sri Adrish Bhattacharya & Anr.  
Vs.  
Shree Shree Rajballabhi Mata Thakurani & Anr.  
(Through Video Conference)

*Mr. Debjit Mukherjee,  
Ms. Susmita Chatterjee,  
Mr. Kaustav Bhattacharya.*

*...for the Petitioners.*

This revisional application has been filed by the petitioners, who are the defendants in Other Suit No.4 of 2017 pending before the learned District Judge, Hooghly.

It is the contention of the defendants that the suit is not maintainable before the learned District Judge, Hooghly and accordingly an application under Order VII, Rule 10 read with Order VII, Rule 11(d) of the Code of Civil Procedure has been filed by the defendants.

It is submitted that the said application has been pending since November 19, 2019 and the same has not yet been disposed of. It is submitted that the written objection has also been filed by the plaintiff.

Having gone through the records and the innocuous prayer of the petitioners, this revisional application is disposed of without entering into the merits of the pending application as also without going into the merits of the claim of the petitioners but with a direction upon the learned court

below to dispose of the said application within one month from the next dated fixed upon allowing the plaintiff to contest the proceeding.

The learned court below shall proceed independently and in accordance with law.

Petitioners are directed to serve a copy of this revisional application along with a server copy of this order upon the opposite parties.

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.)**