

02.12.2021
(S/L-13)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 722 of 2021

Meghnad Mondal
-Vs-
Manoranjan Kali & Ors.

Mr. Sujit Bhunia,
.... For the Petitioner.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant no. 1 in a suit under Section 6 of the Specific Relief Act, 1963 which is directed against Order No. 21 dated February 06, 2021 passed by the 2nd Court of learned Civil Judge (Junior Division), District- Paschim Midnapore in the said suit being Title Suit no. 430 of 2018.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner praying stay of all further proceedings of the said suit till the disposal of the pending appeal between the parties over the title of the suit property holding that in a suit under Section 6 of the Specific Relief Act, 1963, the plaintiff is required to prove his possession prior to date of his illegal dispossession.

In view of the scope of the connected suit, the learned Trial Judge has rightly dismissed the said application.

This Court does not find any reason to interfere with the order impugned.

C.O 722 of 2021 is 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.)