

15.02.2021
Court No. 19
Item No. 53 & 54
CP

C.O. 3986 of 2019
with
CAN 1 of 2020 (Old No. 2490 of 2020)
with
CAN 2 of 2020 (Old No. 2686 of 2020)

Nathun Prasad Shaw & anr.
vs.
Asit Baran de & ors.
with
C.O. 1180 of 2018
Zircon Dealers Private Limited
vs.
Asit Baran De & ors.

(via video conference)

Mr. Debojyoti Basu,
Ms. Anju Chakraborty
Mr. A. Samanta

....for the petitioners
in C.O. 3986 of 2019.

Mr. Suddhasatva Banerjee
Ms. Mudrika Khaitan

.....for the petitioner
in C.O. 1180 of 2018 and
opposite party no. 2
in C.O. 3986 of 2019.

Both the revisional applications have been filed claiming reliefs against the plaintiff, namely, Asit Baran De and arises out of a dispute with regard to a common suit property being Premises No. 41A, Simla Road, Police Station – Manicktala, Kolkata – 700006.

The petitioners in the first revisional application are the persons who have purchased a flat and are in possession thereof but their

application for addition of party in the suit was rejected.

Mr. Banerjee, learned advocate appearing on behalf of the developer/petitioner in the second revisinal application, who had allotted the flat to the petitioners, had also filed an application for addition of the petitioners/purchasers in the learned court below, which was rejected. Aggrieved, the promoters as also the subsequent purchasers of one of the flats are before this court.

Despite service, none appears on behalf of the plaintiff, namely, Asit Baran De. Opposite party no. 2 is represented.

Service upon the opposite parties 3, 4 and 5 is dispensed with as they did not contest the application for addition of party.

Learned advocates on record for the petitioners in both the revisional applications are directed to serve a notice upon the plaintiff/opposite party No.1 and upon the learned advocate appearing on behalf of the plaintiff, in this court and also in the learned court below indicating that the matter will be taken up for hearing on April 9, 2021, as a last attempt to ensure the presence of the plaintiff.

There shall be stay of all further proceedings in Title Suit No. 25 of 2017 for a period of six months or until further orders whichever is earlier.

In view of the order passed, the applications being CAN 2686 of 2020 and CAN 2490 of 2020 are disposed of.

(Shampa Sarkar, J.)