

02.12.2021
(S/L-21)
Ct.-18
(Susanta)

(Via Video Conference)
C.O. 1099 of 2021

Sri Sanjib Gupta
-Vs-
Sri Supriya Roy Chowdhury & Anr.

Mr. Sambhunath De,
Mr. B.K. Samanta,
.... For the Petitioners.

The petitioner, pending a SARFAESI action in respect of the suit property has filed the Title Suit No. 252 of 2019 before the 1st Court of learned Civil Judge(Senior Division) at Malda seeking declaration of his right, title and interest over the suit property.

The learned Trial Judge by the order impugned being order dated March 14, 2021 has dismissed an application filed by the petitioner under Section 151 of the Code of Civil Procedure praying that pending disposal of the said suit, the suit property may not be put up for auction sale.

The maintainability of the said suit is under serious doubt as such the learned Trial Judge was not inclined to allow the said prayer of the petitioner.

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

C.O. 1099 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.)