

25 & 26  
27 & 28  
DL,Ct.18  
15.09.2021  
AJ.

**RVW 95 of 2021  
in  
C.O. 705 of 2021  
&  
RVW 96 of 2021  
in  
C.O. 706 of 2021  
(Through Video Conference)**

**M/s. K.N. Paul & Ors.  
-Vs-  
Iftekhar Alam**

Mr. Debjit Mukherjee,  
Ms. Susmita Chatterjee,  
Mr. Dipanwita Ganguly,  
Mr. Kaustav Bhattacharya.  
... for the petitioners.

Affidavit-of-service filed on behalf of the  
petitioners be kept with the record.

Despite repeated service, none appears on  
behalf of the opposite party.

The petitioners, by the present  
applications, are seeking review of the common  
order dated August 06, 2021 whereby two  
revisional applications being C.O. 705 of 2021  
and C.O. 706 of 2021 were disposed of.

Mr. Mukherjee, learned advocate  
appearing on behalf of the petitioners submits  
that the learned Trial Judge dismissed the  
application filed by the petitioners for analogous  
trial of the two suits, one filed by the petitioners  
and the other filed by the opposite party and this  
Court by the order under review has affirmed the  
said order of the learned Trial Judge.

He further submits that the order under review was passed on the grounds that the issues and stages of the said two suits are different but subsequently it has been detected that the framed issues in both the suits are similar and subsequent to the disposal of the said two revisional applications, the opposite party since did not press his application for holding local inspection of the suit property, the two suits are at the same stage, therefore, the order dated August 06, 2021 is required to be reviewed.

This Court, on consideration of the different reliefs sought for in the said two suits held that that analogous trial of both the suits is not warranted, therefore merely on the basis of similarity of the framed issues as well as their stage, the said two suits cannot be directed to be tried analogously.

The order dated August 06, 2021, for the aforesaid reason, does not require to be reviewed.

This Court does not approve the conduct of the opposite party to change his stand after the disposal of the said revisional applications.

However, to avoid unnecessary complication, the learned Trial Judge is requested to fix up the said two suits on the same date as far as practicable.

It is made clear that pendency of the suit filed by the opposite party will not deter the learned Trial Judge to proceed with the suit filed by the petitioners and to dispose it of expeditiously in accordance with law.

The review applications, being RVW 95 of 2021 and RVW 96 of 2021, are disposed of with the above terms 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.)**