

23.11.2021
(S/L-14)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1570 of 2021
Samsujjaman Munshi
-Vs-
Board of Auqaf, West Bengal & Ors.

Mr. Iftekar Munshi,
.... For the Petitioner.
Mr. Goutam Kr. Roy,
Mr. Sk. Mahbub Hossain,
... For the Opposite Parties.

The defendant No.1 in a suit for declaration that the suit property is a Auqaf Property is the petitioner of the present application under Article 227 of the Constitution of India which is directed against order No. 76 dated July 28, 2021 passed by the learned Auqaf Tribunal, West Bengal in suit no. 31 of 2015 whereby the Tribunal has dismissed an application filed by the petitioner under Order XIV Rule 2 of the Code of Civil Procedure.

Issues framed in the suit include an issue regarding maintainability of the suit. The trial of the suit has commenced, at this stage decision on the issue of maintainability separately would delay the disposal of the suit as such the order impugned does not call for any interference.

C.O. 1570 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.)