

22.09.2021
(S/L-67)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1662 of 2021

Md. Jamil Ahmed
-Vs-
Ahamed Saulah & Anr.

Mr. Golama Mastafa,
Mr. Samirul Sardar,
... For the Petitioner.

Mr. Jahar Chakraborty,
Mr. Titu Singh,
..For the Opposite parties.

The defendant in a suit for eviction of trespasser is the petitioner of the present application under Article 227 of the Constitution of India which is directed against Order no. 64 dated September 07, 2021 passed by the learned Judge, 5th Bench, City Civil Court at Calcutta in the said suit being Title Suit No. 1606 of 2015.

The learned Trial Judge by the order dated August 06, 2021 has decided to dispose of the application filed by the petitioner under Section 151 of the Code of Civil Procedure praying damages for causing alleged damage to the suit property by the plaintiff.

The learned Trial Judge by the order impugned has dismissed an application under Section 151 of the Code of Civil Procedure filed

by the petitioner seeking recall of the said order dated August 06, 2021.

Dismissal of an application for recalling of the order whereby the learned Trial Judge has decided to consider the application for damages at the time of disposal of the suit does not suffer from any illegality, particularly when the suit is at the argument stage.

The order impugned, therefore, does not call for any interference. C.O. 1662 of 2021 is dismissed without any order as to costs.

The learned Trial Judge is requested to expedite the disposal of the said suit.

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.)