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Ct. 18
15.11.2021

**C.O. No. 1809 of 2021
(Via Video Conference)
Janardhan Adhikary
Vs.
Merina Begum**

Mr. Arif Ahmed,
Mr. Tanmoy Bhattacharyya,
Mr. Vivek Tripathi ... For the petitioner.

The defendant in a suit for specific performance being Title Suit No. 297 of 2016 pending before the 3rd Court of learned Civil Judge, (Senior Division), at Howrah is the petitioner of the present application under Article 227 of the Constitution of India.

The petitioner prayed rejection of the plaint of the said suit on the grounds that the plaintiff has no capacity to pay the consideration price and the plaint does not disclose cause of action.

The learned Trial Judge by the order impugned has dismissed the said application holding that capacity of the plaintiff to pay the consideration price is no ground to reject the plaint and plaint discloses cause of action.

This Court does not find any illegality and/or infirmity in the said findings of the learned Trial Judge warranting interference with the order impugned.

C.O. 1809 of 2021 is dismissed without any order as to costs.

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