

02. 23.11.2021
Ct. No.22
BPG

C.O. 1964 of 2021

**M/s NKS Projects (P) Ltd & Ors.
-Versus-
M/s Leonine Abode Pvt Ltd. & Ors.**

(Through Video Conference)

Mr. Sanjoy Bose,
Mr. P. Basu Mallick.
...for the Petitioners.

Mr. Sanjoy Bose, learned advocate appearing for the petitioners submits that the opposite parties have filed a partition suit being Title Suit No.818 of 2018 in the court of learned Civil Judge (Senior Division), 4th Court, Alipore, but they did not bother to serve summon of the same on the petitioners. The authorized signatory of the petitioners came to know about such partition suit on receiving letter dated 12.02.2021 from one M/s. Ritman Infra Limited. He further submits that there is an award passed by Arbitral Tribunal in respect of the property involved in Title Suit No.818 of 2018 and execution case of the award is pending. Suppressing such facts the partition suit has been filed. The petitioners have filed a petition under Order VII Rule 11 of the Code of Civil Procedure for rejection of the plaint of Title Suit No.818 of 2018. That due to long date of adjournment granted by the lower court there is every possibility of delay in disposal of their application under Order VII Rule 11 and which may have effect on execution proceeding of the

award. Thereby, he prays that the learned trial court may be directed to hear their application under Order VII Rule 11 as expeditiously as possible.

Since the petitioners have prayed for expeditious disposal of their application under Order VII Rule 11 of Civil Procedure Code, there is no possibility of causing any prejudice to the opposite parties.

Further, having regard to the nature of relief claimed, I see no reason to put the opposite parties on notice. Service of notice on the opposite parties is dispensed with.

Accordingly, C.O.1964 of 2021 is hereby disposed of with a request to the learned Civil Judge (Senior Division), 4th Court, Alipore to dispose of the petition under Order VII, Rule 11 of Civil Procedure Code possibly within two months from the date of communication of this order and also regard being to the diary maintained by him.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Kesang Doma Bhutia, J.)