

10.06.2022
(D/L-10)
Ct.-18
(Susanta)

C.O. 658 of 2018

Sk. Jumman
-Vs-
Saimunessa & Ors.

Mr. Taraknath Halder ,
.... For the Petitioner.

The defendant in a suit for declaration and recovery of possession is the petitioner of the present application under Article 227 of the Constitution of India and is directed against an order dated August 9, 2017 passed in the said suit being Title Suit No. 112 of 2010 pending before the Additional Court of learned Civil Judge (Junior Division) at Seladah, District 24 Parganas (South).

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner under Order VII Rule 11 of the Code of Civil Procedure, praying rejection of the plaint of the said suit on the ground that in view of the bar contemplated under Section 21 of the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001, the Civil Court has no jurisdiction to entertain the said suit.

The learned Trial Judge found that the suit was filed on September 27, 2001, i.e. prior to

promulgation of the said Act of 2001, as such, overruled the said objection of the defendant.

This Court does not find any illegality and/or infirmity in the order impugned warranting interference.

C.O. 658 of 2018 is dismissed 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.)