

25.08.2022
Item No.19
Ct. No.7
CHC
(disposed of)

C.O.1914 of 2022

**Pradip Sardar & ors.
Vs.
Shyamal Kumar Sardar**

Mr. Kanai Lal Mondal,
Mr. Rajat Kr. Dhar
...for the petitioners

Petitioners have proposed for an order permitting an analogous trial to be held in respect of Title Suit No.261 of 2020 and Title Suit No.393 of 2021, pending before the learned Civil Judge (Junior Division). 1st Court, Baruipur, South 24 Parganas.

Learned advocate for the petitioners frankly admits that an oral prayer was made before the court below soliciting analogous trial.

For analogous of two suits, no formal application seeking analogous trial was made.

The photocopy of the plaint of both the suits are enclosed with the instant revisional application.

Admittedly, both the suits are pending beofre the selfsame court as mentioned hereinabove.

That being the position, no formal notice upon the opposite party needs to be served.

Service upon the opposite party as such, stands dispensed with.

The revisional application is thus disposed of directing the court below (Learned Civil Judge, Junior Division, 1st Court, Baruipur) to consider the prayer for analogous trial in respect of the two suits mentioned hereinabove on an application to be filed by the petitioners within three (03) weeks from the date of communication of this order.

It is however, clarified that if any such application is filed, seeking analogous trial, that shall be disposed of giving a hearing for the purpose to both the parties and decided in accordance with law.

With this observation/direction, the revisional application stands disposed of.

Petitioners are directed to make communication of this order to the learned court below as well as to the opposite party and his learned advocate in the court below.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)