

(04)
17.03.2022
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO No. 1987 of 2021

Abul Hasnat & ors.
-versus-
Mohammad Ali & ors.

Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjee, ... for the petitioners.

Affidavit of service filed on behalf of the petitioners be kept with the record.

None appears on behalf of the opposite parties in spite of service.

The plaintiffs in a suit for partition being Partition Suit No. 161 of 2018 pending before the learned Civil Judge (Senior Division), Kandi, District : Murshidabad, is the petitioner of the present application under Article 227 of the Constitution of India.

The learned Trial Judge by the order impugned being order dated October 04, 2021 has allowed an application filed by the defendant/opposite party no. 3 seeking permission to construct his residential building on the portion of the suit property claiming to be in his possession.

The order is not supported by any reason whatsoever and is liable to be set aside on the said ground alone.

The order under challenge is set aside.

The learned Trial Judge is requested to decide the said application afresh in accordance with law.

It is made clear that this Court has not gone into the merit of the said application. It is for the learned Trial Judge to decide the same on its own merit.

With the above terms, CO 1987 of 2021 is disposed of without any order as to costs.

Lower Court records called for by the order dated November 24, 2021, if reached to this Court, be sent down to the learned Court below immediately.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)