

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

C.O. 2562 of 2022

**Asim Dutta & Ors.
Vs.
Anil Dutta & Anr..**

**Mr. Dhananjay Banerjee
Mr. S. Majumder ... For the Petitioner.**

Learned Advocate for the petitioners is present.

Heard the learned Advocate for the petitioners.

This application is directed against an order dated 26th July, 2022 passed by the learned Civil Judge(Senior Division), Tehatta, Nadia in Title Suit No. 30 of 2018.

Learned Judge by the said order was pleased to direct the plaintiff to file show cause as to why the suit shall not be dismissed for non-compliance of provision of CPC by the date fixed.

Learned Advocate for the petitioners submits that the order passed by the learned judge cannot be sustained in the eye of law in view of the provisions laid down under Order 13, Rule 1 of the CPC.

S.D. Upon hearing the learned Advocate and considering the provisions of Order 13, Rule 1 of the CPC and the order passed by the learned court below, this Court is of the view that as the learned Trial Judge only issued show cause to the plaintiff and have not taken any

decision in this regard, no order should be passed in this application.

Thus the petitioners are granted liberty to take relevant provisions of law and facts in the application for show cause and if such points are raised the same may be considered by the learned trial Judge in accordance with law.

It is hereby made clear as the date for filing show cause has already passed and the matter was pending before this Court, the learned Judge is requested to fix another date for filing show cause.

It is made clear that this Court has not entered into the merits of the case.

Thus this revisional application stands disposed of.

(Biswaroop Chowdhury, J.)

