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Ct. 18
18.04.2022

C.O. No. 3934 of 2019

Sk. Ibrahim
Vs.
Shamiulla & Ors.

Mr. Syed Nurul Arefin ... For the petitioner.

Ms. Kaberi Ghosh,
Mr. Sujit Chowdhury ... For the O.P. Nos. 1 to 6.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiff no. 1 in suit for declaration being Title Suit No. 34 of 2013.

The said suit was subsequently re-numbered as Title Suit No. 1657 of 2014 and is pending before the 1st Court of learned Civil Judge, (Junior Division) at Chandernagore, District – Hooghly.

The learned Trial Judge by the order impugned being Order No. 25 dated July 23, 2019 passed in the said suit has allowed an application filed by the defendant nos. 1 to 6 under Section 10 of the Code of Civil Procedure thereby has stayed all further proceedings of the said suit during the pendency of the another suit filed by the petitioner along with some other persons in the Additional Court of learned Civil Judge (Junior Division) at Chandernagore, District – Hooghly being Title Suit No. 193 of 2010 re-numbered as Title Suit No. 300027 of 2014.

The further proceedings of the said Title Suit No.

300027 of 2014 (Title Suit No. 193 of 2010) has already been stayed.

Stay of all further proceeding of a suit for the pendency of the another suit whose further proceeding has already been stayed is not warranted inasmuch as the said order would put the disposal of the other suit under uncertainty.

The order impugned is therefore set aside. C.O. 3934 of 2019 is allowed with the above terms without any order as to costs.

The learned Trial Judge however is requested to expedite the disposal of the Title Suit No. 1657 of 2014 (Title Suit No. 34 of 2013).

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.)