

05.12.2022
Item No.16
Ct. No.7
CHC
(disposed of)

C.O.3488 of 2022

**M/s. Universal Construction Co. & ors.
Vs.
Mrs. Suranjana Mukherjee & ors.**

Mr. Arup Bhattacharyya
...for the petitioners

A direction to secure expeditious disposal of Title Suit No.111 of 2021, pending before the learned Civil Judge (Junior Division), 2nd Court, at Durgapur, is the ultimate relief sought for in this case.

As per submission disclosed by the petitioners there is an application filed under Order 7 Rule 11 C.P.C. praying for rejection of a plaint, as the dispute is exclusively triable by the Commercial Court.

No other point is raised requiring address by this Court.

In view of the nature of order proposed to be made in this case, no prior notice is considered to be necessary.

Service upon the opposite parties stands dispensed with.

Accordingly, learned Civil Judge (Junior Division), 2nd Court, at Durgapur, is requested to dispose of the interlocutory application under Order 7 Rule 11 C.P.C. after adhering to the formalities of law, subject to the convenience of the court below, providing sufficient

opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable, preferably, before the end of March, 2023.

This would not however, prevent the petitioners to file written statement in the meantime, adhering to the provisions available under Order 8 Rule 1 C.P.C. irrespective of the pendency of the petition under Order 7 Rule 11 C.P.C.

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

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

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.)