

S/L 16  
27.09.2023  
Court. No. 29  
*Suvayan*

**CO 1536 of 2022  
With  
CAN 1 of 2022**

**Kaustabh Mondal  
Vs.  
Barasat Eye Hospital,  
represented by Debabrata Das**

*Mr. Subhendu Banerjee*

*...for the petitioner.*

*Mr. Biswaranjan Bharat*

*...for the opposite party.*

1. Heard learned Advocate for the petitioner and learned Advocate for the opposite party.
2. In this revisional application the Order No. 179 dated 04.06.2022 as passed by learned Civil Judge (Junior Division), 3<sup>rd</sup> Court at Baruipur, South 24 Parganas in Misc. Case No. 19 of 2005 has been impugned.
3. By the impugned order learned Trial Court rejected the prayer for time as filed by the petitioner in Misc. Case No. 19 of 2005.
4. It is fairly submitted at the Bar that before the learned Trial Court the present opposite party, i.e., Barasat Eye Hospital has filed an application under Order VII Rule 11 of the Code of Civil Procedure and the same is still pending.
5. In view of such this Court while disposing the instant revisional application directs the learned Trial Court, i.e., learned Civil Judge (Junior Division), 3<sup>rd</sup> Court, Baruipur, South 24 Parganas to dispose of the

petition under Order VII Rule 11 of the Code of Civil Procedure as filed by the opposite party/preemptee, i.e., Barasat Eye Hospital within a period of two weeks from the date of communication of this order. The time limit as fixed by this Court for disposal of the said petition under Order VII Rule 11 of the Code of Civil Procedure is mandatory.

6. With the aforementioned observation, the instant civil revision being CO 1536 of 2022 along with interim application being CAN 1 of 2022 is disposed of.

7. Parties to act on the server copies of this order.

8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

**(Partha Sarathi Sen, J.)**