

18.09.2023
Court No. 19
Item no.22
CP

C.O. No. 1795 of 2023

Sree Sree Shyam Sundar Jew & Sree Sree Radha
Rani Jew represented by its present shebait Mr.
Siddhartha Shankar Roy

Vs.
XXXXX

Mr. Sounak Bhattacharya
Mr. Anirban Saha Ray

.....for the petitioner.

The only order that can be passed in this revisional application is the modification of the order dated November 21, 2022, passed by the learned Chief Judge, City Civil Court at Calcutta in Misc. Case No. 3592 of 2017.

This court is of the view that when the learned court below had allowed the petitioner to enter into a development agreement and had passed necessary orders in respect of such development agreement, the matter should have been kept pending instead of being disposed of. The learned Court had issued directions for submission of the site plan, deposit of consideration money. Thus, it appears that the learned Court wanted to monitor the process of development of the property. The contention of Mr. Bhattacharya that the right of sale of the flats after development has not been given, is premature as it appears that the court wanted to oversee the project.

The order impugned is not interfered with, save and except that the order of disposal of the application is recalled and the matter is kept open for further orders and determination of the relevant issue by the learned court below in terms of its own order.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)