

Item No. 97  
15.06.2023  
Court. No. 19  
GB

C.O. 1818 of 2023

Magnet Construction Pvt. Ltd. & Anr.  
Vs.  
Abul Kalam & Ors.

*Mr. Haradhan Banerjee,  
Md. Nurul Haque,  
Mr. Manabendra Thakur,  
Sk. Afrojul Haque,  
Mr. Bamkim Sarkar*

*...for the Petitioners.*

*Mr. Sandip Ghose,  
Mr. Partha Chakraborty,  
Mr. Subrata Das,  
Mr. Debayan Ghosh,  
Ms. Poulomi Dutta*

*...for the Opposite Parties.*

This revisional application has been filed for a direction upon the learned Civil Judge (Senior Division), 5<sup>th</sup> Court at Alipore to dispose of the application under Order 7, Rule 11 (a) and (d) of the Code of Civil Procedure filed by the petitioners, challenging the maintainability of the suit on the grounds mentioned therein, expeditiously. The said application was filed on March 6, 2023 and this revisional application has been filed on June 19, 2023.

It is submitted that the learned court has not yet taken up the said application for hearing. However, this court does not find any inordinate delay.

By an order dated May 11, 2023, the learned trial judge fixed the applications under Order 7, Rule 11 and the application under Order 8, Rule 10 for hearing and parties were directed to file their objections to the respective applications. The next date has been fixed on July 6, 2023.

Accordingly, the parties are to file their written objections to the pending applications in the meantime and the learned court is requested to dispose of the applications pending before the learned court below within a period of two months from the next date fixed.

It is made clear that this Court has not gone into the merits of the pending applications or into the merits of the suit. The learned court below shall proceed independently in respect of both the applications without being influenced in any manner by any observations which has been made by this Court and that may be made in the pending misc. appeal.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

All the parties and learned court below shall act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**