

27
12.7.2023
Ct. 236
SB

C.O. 1649 of 2014

In the matter of : CTS Industries Limited

None appears on behalf of the petitioner.

This revisional application challenges the order dated 5.3.2014 passed by the learned Civil Judge, (Junior Division), 4th Court, Howrah, in Title Suit No. 94 of 1983. The petition under Section 151 of Code of Civil Procedure which was filed on 03.3.2014 was disposed of by the learned Trial Court and the order reveals that defendant no. 19 upon whom the direction was given did not have the opportunity to make submissions opposing the prayer. The impugned order however, reveals that on 30.8.1996 parties were directed to maintain *status quo* till disposal of the suit. Defendant no. 19 on 04.12.2013 purchased the property and took possession and allegedly he was trying to fill up a pond comprised within plot no. 308. When the parties are on record learned Trial Court could not have passed the order without giving an opportunity of being heard to the defendants particularly defendant no. 19. The order was passed in violation of the principle of natural justice, hence the impugned order cannot be allowed to remain in force and is set aside.

The revisional application is thus, allowed.

Let a copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)

