

S/L 3
21.3.2023
Court No.652
SD

CO 2271 of 2021

Sri Samir Saha Roy & Ors.
Vs.
Smt. Sumita Sarkar & Ors.

Mr. Suprohat Bhattacharya
Ms. Somashree Dey

...for the Petitioners.

Mr. Soumava Mukherjee

...for the Opposite Parties.

This is an application under Article 227 of the Constitution of India preferred against the order dated 09.4.2021 passed by the learned Civil Judge (Junior Division), 2nd Court, Hooghly in Title Suit No.65 of 2016.

By the impugned order, learned court below was pleased to reject the defendant nos.1 to 6 application under Sections 151, 152 and 153 of the Code of Civil Procedure which was filed on 06.02.2021.

At the time of hearing, learned counsel appearing on behalf of both the parties agreed that the said issue has direct bearing upon the application filed by the defendants under Order VI Rule 17 of the Code of Civil Procedure which is still pending for disposal and as such, present application may be disposed of with a direction upon the court below for disposal of the said application for amendment of the written statement at an early date.

In view of the above, learned Civil Judge (Junior Division), 2nd Court, Hooghly at Chinsurah is hereby directed

to dispose of defendants' application under Order VI Rule 17 of the Code within a period of four weeks from the date of communication of the order, if it is not disposed of in the meantime.

It is made clear that I have not gone into the merits of the subject matter of the application under Sections 151, 152 and 153 of the Code of Civil Procedure.

With these observations, C.O. 2271 of 2021 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)