

04.12.2023
Court No. 19
Item no.08
CP

C.O. No. 3279 of 2023

Ashis Das

Vs.

Sri Ashutosh Das & ors.

Mr. Sounak Bhattacharya

Mr. S. Chakraborty

Mr. Abhishek Mukherjee

.....for the petitioner.

Mr. Anirban Ray

Mr. Tanoy Chakraborty

Mr. Saptak Sanyal

....for the State.

Mr. Amal Krishna Saha

Mr. Souvik Sarkar

....for the opposite parties.

The revisional application has been filed challenging an order dated August 1, 2023, passed by the learned Civil Judge (Junior Division), 1st Court, Alipore, in Title Suit No. 460 of 2022. By the order impugned, the learned court below rejected an application under Order 7 Rule 11 of the Code of Civil Procedure without assigning any reasons.

This court finds that neither the facts of the plaint case nor the grounds raised by the defendant seeking rejection of the plaint, have been discussed at all.

Under such circumstances, this court is of the view that the order impugned deserves to be set

aside. The order dated August 1, 2023 is set aside by directing the learned trial court to once again decide the said application for rejection of the plaint filed under Order 7 Rule 11(d) of the Code of Civil Procedure afresh.

The said application shall be disposed of upon hearing the contentions of both the parties, within a period of three months from the date of communication of this order.

This court has not entered into the merits of the application.

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.)