

21.12.2023
Sl. No.30(DL)
srm

C.O. No. 4427 of 2023

M/s. Castal Extrusion Private Limited

Versus

M/s. T-RMC Private Limited

Mr. Debjit Mukherjee,
Ms. Arpita Saha,
Mr. Kaushik Banerjee,
Ms. Rashmita Sen

...for the Petitioner.

The revisional application has been filed challenging an order dated November 27, 2020 passed by the learned Civil Judge (Junior Division), 1st Court at Barasat, North 24-Paraganas.

The orders prayed for in this revisional application cannot be decided by this Court. The maintainability of the suit is to be decided by the learned trial Judge.

The contentions of the petitioner that the suit is not maintainable, being barred by law, has already been brought before the court by filing an application under Order VII Rule 11 of the Code of Civil Procedure. The petitioner prayed for rejection of the plaint. It is submitted that the said application has been pending for the past two years.

The only order that can be passed is a direction upon the learned court to hear out the application under Order VII Rule 11 of the Code of Civil Procedure, expeditiously.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court below to hear out the application under Order VII Rule 11 of the Code of Civil Procedure and dispose of the same as expeditiously as possible, preferably within a period of two months from the next date fixed, upon allowing the parties to contest the same.

This Court has not gone into the merits of the suit.

A copy of the revisional application along with a server copy of this order be served upon the opposite party within a week.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)