

01.02.2024
Sl. No.20(DL)
srm

C.O. No. 231 of 2024

Mirza Md. Sikandar Ali Begg & Ors.

Versus

Kaisar Md. Nadeem & Ors.

Mr. Shamit Sanyal,
Ms. Priyakshi Banerjee,
Mr. Sabyasachi Roy

...for the Petitioners.

The order impugned dated January 10, 2024 passed by the learned Civil Judge (Senior Division), 6th Court at Alipore, South 24-Parganas, in Title Suit No.1260 of 2021, does not call for any interference.

The petitioners' contention is that an application under Section 151 of the Code of Civil Procedure, which has been filed, has been heard by the learned court below, but necessary orders have not yet been passed, whereas, an application under Order VII Rule 11 of the Code of Civil Procedure has been fixed for hearing.

It appears that the petitioner filed the said application for a direction upon the police authorities to ensure that the order of *status quo* passed by the learned court is maintained.

This Court does not find any conflict in the two interlocutory proceedings which are pending before the learned court below.

The petitioner is at liberty to pray for necessary orders for preponing of the date of hearing of their application under Section 151 of the Code of Civil Procedure, before the learned court below. The court shall pass necessary orders, upon hearing both the parties. As the proceedings are separate and the applicable laws are separate, there will be no conflict if such application is heard, even if the prayer for rejection of the plaint has been filed.

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.)