

29.07.2024
Item No.10, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 234 of 2024

Suraj Narayan Singh & Anr.

-Vs-

Bijoy Kumar Gupta

Mr. Kushal Chatterjee,
Mr. Debrup Choudhury.
.....for the petitioners.

Mr. Sanjay Mukherjee.
.....for the opposite party.

Affidavit of service filed on behalf of the
petitioner be kept with the record.

The matter has been brought to the list at
the instance of the petitioners for *extension of
Interim Order* but the parties have consented for
final disposal of it.

The petitioners, being the plaintiffs of the
Title Suit No. 81 of 2023, are praying eviction of
the opposite party from one godown at the
Premises No. 247/4, G.T. Road, North Salkia,
Howrah and the opposite party is praying
declaration of his tenancy right over the said
godown in the Title Suit No. 1743 of 2022.

Both the suits are pending before the 3rd
Court of the learned Civil Judge(Junior Division)
at Howrah.

The opposite party, by an application
under Section 10 of the Code of Civil Procedure

filed in the eviction suit, had prayed for stay of further proceedings of the said eviction suit during the pendency of the said suit for declaration.

The learned Trial Judge by the order impugned dated January 11, 2024 has allowed the said application holding *inter alia* that proceeding with the suit simultaneously would lead to conflict in the final outcome.

The case made out by the opposite party in the suit for declaration of tenancy right is identical to his defence in the eviction suit, therefore, if both the suits are not consolidated, there is every likelihood of conflicting decisions.

The order impugned, therefore is set aside.

The learned Trial Judge is directed to consolidate both the suits for trial and disposal.

C.O. 234 of 2024 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)