

03.09.2024
Item No.67 ML
Ct.19
A.J.

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

C.O. 440 of 2024

Rajesh Kumar Gupta @ Shaw

-Vs-

Smt. Abira Mukherjee & Anr.

Mr. Goutam Chakraborty,
Mr. Kartick Kumar Ray,
Mr. Rakesh Jana.

.....for the petitioner.

Ms. Sudeshna Basu Thakur.

.....for the opposite parties.

The petitioner of the instant application under Article 227 of the Constitution of India is the plaintiff of *Title Suit No. 953 of 2023* pending before the 4th Court of the learned Civil Judge (Senior Division) at Alipore, District: 24-Parganas (South) and the defendant of *Title Suit No. 978 of 2023* pending before the 4th Court of the learned Civil Judge (Junior Division) at Alipore, District: 24 Parganas (South).

The 4th Court of learned Civil Judge (Senior Division) by an order dated November 23, 2023 passed in *Title Suit No. 953 of 2023* has allowed an application under Section 10 of the Code of Civil Procedure filed by the opposite parties, thereby has stayed all further proceedings of the said suit till the disposal of *Title Suit No. 978 of 2023*.

The petitioner in his suit is praying *inter alia* for a declaration that he is the tenant in respect of the suit property, whereas the plaintiff of *Title*

Suit No. 978 of 2023, the opposite party no.2 herein is praying for a declaration that the petitioner is a trespasser to the suit property.

In view of the nature of reliefs sought for in the said two suits, common issues would fall for consideration, as such, it would be pragmatic to club both the suits for analogous trial and disposal instead of arresting the progress of one till the disposal of the other.

The order impugned is therefore set aside.

This Court, in exercise of power under Section 24 of the Code of Civil Procedure directs withdrawal of *Title Suit No. 978 of 2023* from the 4th Court of the learned Civil Judge (Junior Division) at Alipore, District: 24 Parganas (South) and transfer of it to the 4th Court of the learned Civil Judge (Senior Division) at Alipore, District: 24-Parganas (South) for analogous trial and disposal of both the aforementioned suits.

C.O. 440 of 2024 is disposed of with the above terms without any order as to costs.

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

(Biswajit Basu, J.)