

10.06.2024
Item No.12, ML
Ct.19
A.J.

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

C.O. 518 of 2024

Rukia Bibi & Anr.

-Vs-

Mirza Julfar & Ors.

Mr. Arka Bhattacharya,
Mr. Gourab Ghosal.
.....for the petitioners.

Mr. Pappu Adhikari.
.....for the Opposite parties.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendants in a suit for declaration of title and is directed against Order No. 233 dated November 23, 2023 passed by the learned Civil Judge (Junior Division) at Haldia, District : Purba Medinipur in Title Suit No. 102 of 2002 whereby the learned Trial Judge has dismissed an application filed by the petitioners under Rule 9 of Order VIII of the Code of Civil Procedure.

The suit is pending since 2012 and the trial of it has already been commenced. The provision of Rule 9 of Order VIII of the Code of Civil Procedure cannot be resorted to dilute the restriction of the proviso appended to Order VI Rule 17 of the Code.

C.O. 518 of 2024 is therefore dismissed 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.)