

04.11.2024

Sl no. 24
Ct no. 22
P.M.

C.O. 598 OF 2021
Bandana Chatterjee & Ors.
- Vs -
Sushil Chattopadhyay & Ors.

Mr. Kartick Kr. Bhattacharyya,
Mr. Tirtha Pati Acharya,
Ms. Somashree Dutta
... for the petitioner
Mr. Siddhartha Raj
.... For opposite parties 1 to 12

1. Both the learned counsel appearing on behalf of the parties to this revisional application are present.
2. The instant civil revision application has been preferred challenging the order dated 23rd February, 2021 passed by the learned Civil Judge (Junior Division), Dubrajpur, in connection with Title Suit No. 43 of 2018 whereby learned Judge dismissed the application dated 05.10.2020 filed by the defendants for dismissal of the suit on the ground of maintainability within the meaning of Section 51C(2) of the West Bengal Land Reforms Act.
3. Learned counsel appearing on behalf of the petitioner has submitted that paragraph 5 of the

plaint discloses fact of wrong record of rights in the name of the defendant No. 1 and 2 and in spite of application before the concerned B.L.&L.R.O. that objection was not considered.

4. Therefore, learned counsel appearing on behalf of the petitioner has tried to make this Court understand that by the contention of paragraph 5 of the plaint they have sought for a prayer of correction of record of rights.
5. On the contrary, learned counsel appearing on behalf of the opposite party /plaintiff has submitted that there is no such prayer for correction of record of rights in any of the prayers of the plaint. According to him the cause of action of the suit only has been stated in paragraph 5 of the plaint.
6. After considering the rival contention of the parties through their respective learned counsel, I find that neither in paragraph 5 nor in the prayer of the plaint, there is any specific prayer for correction of record of rights.
7. In fact this prayer cannot be entertained by a civil Court within the meaning of Section 51C(2) of the West Bengal Land Reforms Act.

8. Therefore, Civil Court is not supposed to consider any such prayer for correction or alternation of record of rights in any suit for declaration with consequential relief.
9. Therefore, the facts depicted in paragraph 5 of the plaint can only be considered as one of the cause of actions of this suit.
10. Given facts and circumstances I find no reason to interfere with the order passed by the learned Trial Judge (Junior Division), Dubrajpur.
11. With this observation this revisional application stands disposed of.
12. Learned Trial Judge is requested to dispose of the suit as early as possible.
13. All the parties shall act on the server copy of this order duly downloaded from the official web site of this Court.
14. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)