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June, 2024
sandip
Ct. 19
13.06.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. 1471 of 2024

Sri Subhendu Debnath

Vs.

Smt. Dorothy Saha

With

C.O. 1473 of 2024

Sri Subhendu Debnath & Anr.

Vs.

Smt. Dorothy Saha & Ors.

Mr. Rajdeep Bhattacharya,
Mr. Debasish Banerjee
... For the petitioner in both the revisions.

Mr. Jewel Chanda,
Mr. Kaushik Ghosh,
Mr. Bishan Dutta,
Mr. Nirupam Dewanji
... For the opposite party in both the revisions.

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

In terms of the order dated April 23, 2024, these two
revisional applications were directed to be taken up for
analogous hearing.

The two suits being Title Suit No. 916 of 2022 and Title
Suit No. 993 of 2022 are pending between the parties
before the 3rd Court of learned Additional Civil Judge,
(Junior Division), at Alipore, District – 24 Parganas (South).

The learned Trial Judge by the orders impugned in the
revisional applications, both dated March 15, 2024 has
refused the prayer of the petitioner for analogous hearing of

the said two suits holding that the subject properties in the said suits are different.

The plaintiff of Title Suit No. 916 of 2022 is claiming that the suit property in both the suits is same.

On perusal of the schedule appended to the plaint of the said two suits, it appears that there is some resemblance in the description of the suit properties.

The plaintiffs of both the suits are claiming declaration of their right title interest in respect of the suit property of their respective suits, as such, for passing effective decrees in the said suits, an issue will obviously crop up whether the suit property of both the suits is same and identical. To answer the said issue, the said suits are required to be heard analogously.

The order impugned for the aforesaid reason is set aside. The learned Trial Judge shall frame the aforementioned issue as the common issue for both the suits, and shall hear and dispose of the said suits analogously.

The suits since have substantially matured, the learned Trial Judge shall adopt the procedure for such analogous hearing according to his convenience.

C.O. 1471 of 2024 and C.O. 1473 of 2024 are disposed of with the above terms without any order as to costs.

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

(Biswajit Basu, J.)