

S/L 9
29.8.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 2167 of 2024

Laxmi Devi Mahato @ Chouhan & Anr.
Vs.
Sri Debasis Mukherjee

Mr. Wasim Ahmed
Mr. Vijay Agarwal

...for the Petitioners.

Mr. Kaushik Dey
Mr. Avijit Dey

...for the Opposite Party.

The present application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for eviction and is directed against order dated March 12, 2024 passed by the learned Civil Judge (Junior Division) at Alipore, District: 24 Parganas (South) in the said suit being *Title Suit No. 1868 of 2007*.

A coordinate bench of this Court by an order passed in *CO 3644 of 2013* had directed the learned Trial Judge to decide a preliminary issue whether the suit property is comprised of *thika tenancy*; the learned Trial Judge by the order impugned has answered the said issue in negative.

The argument has been concluded and the judgment has been reserved; in view of such stage of the suit, this Court is not inclined to interfere with the order impugned; however, the petitioners, subject to fulfillment of the conditions of Section 105 of the Code of Civil Procedure, are at liberty to challenge the order impugned if the occasion so arises in the appeal that may arise out of the said suit.

With the above observations, CO 2167 of 2024 is disposed of without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)