

22.08.2024
(D/L-16)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2937 of 2024

Sri Sukhendu Das

-Vs-

Sri Naba @ Dilip Kumar (Pramanik) & Ors.

Mr. Abhijit Ray,
Mr. Santu Nandy,

... For the Petitioner.

The petitioner is the defendant no. 2 of the *Title Suit no. 383 of 2018* pending before the 1st Court of learned Civil Judge (Junior Division) at Serampore, District: Hooghly.

The petitioner had taken out an application under Order VII Rule 11 questioning the maintainability of the said suit on the ground that it is barred under Section 51(c) of the West Bengal Land Reforms Act, 1955.

The learned Trial Judge by the order impugned dated June 10, 2024 has dismissed the said application.

The principal relief in the suit *prima facie* being declaration of title, consequential challenge to the record of rights of the suit property cannot bring the suit within the mischief of Section 51(c) of the said Act of 1955.

The order impugned for the aforesaid reason is not interfered with, but in the event if it is ultimately found that the challenge to the record of rights of the suit property is the principal relief,

the bar under the aforesaid provision of the said Act of 1955 would operate; keeping the same in mind, the learned Trial Judge shall address the issue regarding maintainability of the suit.

C.O. 2937 of 2024 is thus 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 copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)