

S/L 10
29.8.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 2931 of 2024

Sri Netai Chandra Mukherjee & Anr.

Vs.

Smt. Anima Roy & Ors.

Mr. Dhananjay Nayek

...for the Petitioners.

Mr. Shiladitya Barman

...for the Opposite Parties.

The present application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a suit for declaration of title and injunction and is directed against order no.23 dated July 09, 2024 passed by the 4th Court of learned Civil Judge (Junior Division) at Serampore, District: Hooghly in the said suit being *Title Suit No.664 of 2022*.

The learned Trial Judge by the order impugned has allowed the defendants to set up a counter-claim *de hors* the provision of Order VIII Rule 6A of the Code of Civil Procedure inasmuch as the said defendants had filed their written statement way back in 2023; besides, the counter-claim discloses no cause of action.

The order impugned therefore is not sustainable and is accordingly set aside.

CO 2931 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.)