

Item No.8
06.05.2024
Court. No. 19
GB

C.O. 2849 of 2022

Sri Raja Chakraborty
Vs.
Sri Arnab Chakraborty & Anr.

*Mr. Kushal Chatterjee,
Mr. Debrup Choudhury*

...for the Petitioner.

This Court does not think that there is any necessity to interfere with the order impugned.

The petitioner wanted to have the suit dismissed for non-prosecution and the learned court allowed such prayer. However, the petitioner is aggrieved because the court recorded that liberty could not be granted to file afresh.

Mr. Chatterjee, learned advocate appearing on behalf of the petitioner submits that such direction would come in the way of proceeding with Title Suit No.215 of 2021.

In my view, if Title Suit No.215 of 2021 was already pending when the prayer for non-prosecution of Title Suit No.994 of 2018 was made, non grant of liberty to file afresh would not cause any prejudice. The petitioner also did not pray for any liberty to file afresh. Title Suit No.215 of 2021 will be adjudicated on its own merits. However, both parties are at liberty to raise all questions in the said suit, as permissible in law.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)