

S/L 23
10.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 3157 of 2024

Sri Rabi Kumar Sharma & Anr.

Vs.

Smt. Sonam Mondal

Mr. Sibnath Ganguly

Mr. Argha Banerjee

...for the Petitioners.

The petitioners have filed *Title Suit No.225 of 2017*, a suit for declaration of their tenancy right whereas the opposite parties have filed *Title Suit No.35 of 2021*, a suit for eviction of the petitioners alleging that they are trespassers.

Both the suits are in respect of the selfsame property and are pending before the 2nd Court of learned Civil Judge (Junior Division) at Sealdah, District: 24 Parganas (South).

The learned Trial Judge by the order impugned dated June 18, 2024 has refused the prayer of the petitioners for stay the further proceedings of the eviction suit, pending disposal of the suit for declaration of tenancy right.

In both the suits, though there are similarities in respect of the suit property and parties, but in view of the difference in the issues to be decided in the said suits and the stages thereof, the learned Trial Judge has rightly refused to stay the further proceedings of the eviction suit during pendency of the suit for declaration.

The order impugned for the aforesaid reason(s) do not call for any interference.

CO 3157 of 2024 is dismissed without any order as to costs.

The learned Trial Judge is however requested to bring the suit for eviction to its logical conclusion as expeditiously as possible.

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.)