

20.09.2024
(D/L-29)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 3353 of 2024

Sri Lalit Bhusan Sharma
-Vs-
Dr. Amitava Chaudhuri

Ms. Krishnakali Swar,
Ms. Anisha Kochar,
... For the Petitioner.
Dr. Amitava Chaudhuri,
..... Opposite Party (in person).

The defendant in a suit for ejectment is the petitioner of the instant revisional application under Article 227 of the Constitution of India which is directed against order No.154 dated August 01, 2024 passed by the 2nd Court of learned Civil Judge (Junior Division) at Alipore, District: 24-Parganas (South) in the said suit being *Ejectment Suit No. 04 of 2013*.

The learned Trial Judge by the order impugned has dismissed an application filed by the defendant under Order VII Rule 11 of the Code of Civil Procedure.

The defendant had prayed for rejection of the plaint of the said suit is on the ground that the suit is for the purpose of execution of an order of the Rent Controller dated March 05, 2012.

The plaintiff, in fact, as an ancillary relief to the main relief of eviction, has prayed for execution

of the said order of the Additional Rent Controller, but such prayer does not affect the maintainability of the suit.

The learned Trial Judge was absolutely justified in dismissing the said application of the defendant; the order impugned, therefore, does not call for any interference.

C.O. 3353 of 2024 is dismissed without any order as to costs.

The hearing of the suit however be expedited.

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.)