

19.02.2024
Ct. No. 19
Sl. No.07
Cp

C.O. No. 3527 of 2022

Dr. Sourav Sharma
Vs.
Sri Rajib Paul & Ors.

Mr. Sovan Majumder
Mr. Kunal Banerjee

.... for the Petitioner.

Ms. Shebatee Datta
Ms. Poulami Roy

.....for the opposite party no. 1.

This court does not find any necessity to interfere with the order impugned dated September 23, 2022, passed by the learned Civil Judge (Senior Division), 2nd Court, Howrah in Title Suit No. 337 of 2021.

The court had rightly held that a preliminary issue could not be decided at the nascent stage as the validity of the deed of sale which was executed in favour of the defendant no. 1/petitioner, was a triable issue.

The petitioner had filed an application for framing the issue of maintainability of the suit as a preliminary issue. The learned court held that whether the deed by which the petitioner had acquired right, title and interest in respect of the property in question was valid or invalid would have to be decided upon trial on evidence.

Accordingly, this revisional application is disposed of without any interference. The learned court is directed to decide the suit within a period of one year from the next

date fixed, without granting any unnecessary adjournments.

This court has not gone into the merits of the suit.

The revisional application is accordingly disposed of.
There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)