

D/L.14.
October 22, 2024.
MNS/SG.

C. O. No. 3814 of 2024

The Divisional Manager and another
Vs.
Smt. Bhushana Dakua (Mistri) and others

Mr. Partha Pratim Roy,
Mr. Amit Kumar Nag,
Mr. Partha Banerjee,
Mr. Maharnab Roy

... for the petitioners.

1. There is no caveat as reported.
2. Heard the learned counsel for the petitioners.
3. The instant revisional application is filed under Article 227 of the Constitution of India against the order dated 11.09.2024 passed by the learned Civil Judge (Senior Division), Islampur, Uttar Dinajpur, in P.S. No. 108 of 2015 whereby and whereunder the application of the defendant nos. 2 and 3 filed under Order VII Rule 11 of the Code of Civil Procedure, 1908, was rejected.
4. The present petitioners, being defendant nos. 2 and 3, filed the application under Order VII Rule 11 of the Code of Civil Procedure raising jurisdictional issue as well as

insufficiency of court-fees as a ground for rejection of the plaint.

5. The learned trial Court, as appeared from the certified copy of the impugned order dated 11.09.2024, rejected the application under Order VII Rule 11 of the Code of Civil Procedure without considering the issue of insufficiency of court-fees.
6. I have heard the learned counsel for the petitioners.
7. It is settled law that a court can dispose of an application or reject a plaint under Order VII Rule 11 of the Code of Civil Procedure on the ground mentioned in the said provision without waiting for any formal application. The learned Trial Court apparently did not consider the issue of court-fees while disposing of the application. The learned Trial Court shall fix a date of hearing upon giving notice to both the parties on the issue of court-fees and pass necessary order without being influenced by this order.
8. The learned Trial Court shall expedite the hearing preferably within thirty days

from the date of reopening of the court
on 04.11.2024.

9. The instant revisional application
stands disposed of.

10. There will be no order as to costs.

11. A server copy of this order may be
communicated to the learned trial
Court.

(Sugato Majumdar, J.)