

21.05.2024
Ct. No. 19
Sl. No.04
Cp

CAN 1 of 2024
In
C.O. No. 4063 of 2023

Nilanchal Grih Nirman Limited
Vs.
Smt. Kabita Banerjee & ors.

Mr. Sabyasachi Chowdhury
Ms. Urmila Chakraborty
Ms. Paramita Banerjee
Ms. S. Paul
Ms. Amrita Das

... for the applicant.

CAN 1 of 2024 has been filed for recalling of an order dated March 11, 2024, passed by this Court in C.O. 4063 of 2023. The matter was mentioned yesterday, upon notice to the learned advocate for the petitioner in the revisional application.

Affidavit of service has been filed indicating that on April 8, 2024, the learned advocate was served with a copy of the application and also intimated that the matter would be mentioned before this Court for urgent listing. Satisfied with the ground of urgency, this Court had directed the matter to appear under the heading "To be mentioned" today.

Despite service, none appears to oppose this application. It is submitted that as per orders of the High Court, preliminary issues had already been framed. Such orders were not produced before the Court when C.O. 4063 of 2023 was disposed of, directing the pending application of the petitioner to be disposed of first.

The matter is required to be gone into as the records reveal that the earlier orders of this Court were not considered Court while disposing of C.O. 4063 of 2023. Prima facie, it appears that the preliminary issues were to be disposed of first in terms of earlier orders of this court and affirmed by the Hon'ble Apex Court.

It is informed that the learned Trial Judge is proceeding hastily with the disposal of the pending application filed by the petitioner in C.O. C.O. 4063 of 2023 on the basis of the order dated March 11, 2024, although the preliminary issues are yet to be disposed of.

Under such circumstances, this Court entertains the application being CAN 1 of 2024 and permits the applicant/defendant no. 9 to pray for an adjournment of the suit being Title Suit No.26 of 2006, which is pending before the learned Civil Judge (Senior Division), 10th Court, Alipore till disposal of this application.

A further notice be served upon the learned advocate for the opposite parties as also upon the opposite parties with regard to the application filed. Affidavit of service to be filed on the next date.

Let this matter appear in the monthly list of July, 2024, under the heading "Application".

The issue of suppression of material facts shall be gone into on the next date.

(Shampa Sarkar, J.)