

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

C.O. 139 of 2024

Jayanti Banik (Gope)

Vs.

Dilip Kumar Saha & ors.

Adv. Partha Sarathi Das (through VC),
Adv. Gopal Sah,

...for the petitioner.

Adv. Arijit Ghosh,

...for the op.

Heard learned counsels for the parties.

Learned counsels for the parties submit that after filing of the written objection by the petitioner who is the opposite party before the learned trial Court in Misc. Judicial (Preemption) case no. 9 of 2016, the learned trial Court proceeded to record evidence of the petitioner therein (opposite party in the revisional application) without framing issues on the subject. A prayer made by the petitioner for shifting the case from the peremptory board and for framing issues was turned down by the learned trial Court by the order impugned dated 27th February, 2024.

Learned counsels for both the parties further submit that the matter be remanded back to the learned trial Court for framing of issues and be proceeded with by the learned trial Court in accordance with law.

In view of the above, the order dated 27th February, 2024 passed by the learned Civil Judge, Junior Division, Jalpaiguri in Misc. Judicial (Preemption) case no. 9 of 2016 insofar as the prayer of the petitioner was rejected is set aside/quashed.

The learned trial Court is directed to frame issues on the basis of the pleadings of the parties and allow further evidence

to be adduced by both the parties, if required. The trial Court shall take the proceeding to its logical conclusion within one year from the next date of hearing fixed before him, without granting any unnecessary adjournment to either of the parties, in accordance with law.

C.O. 139 of 2024 is disposed of.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance with all requisite formalities.

(Suvra Ghosh, J.)