

SL.10
02.12.2024
Court No.3
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CO 211 of 2024

**Smt. Gouri Saha & Ors.
Versus
Basundhara & Ors.**

Mr. Bikramaditya Ghosh
Ms. Supriya Singh
Mr. Swarup Das

...for the Petitioners.

1. The instant revisional application has been filed, *inter alia*, praying for a direction upon the learned Civil Judge (Junior Division) at Jalpaiguri to expeditiously hear out the application filed by the applicants under Order 1 Rule 10(2) of the Code of Civil Procedure, in the pending Title Suit No. 260 of 2022 (*Basundhara vs. Dev Vijay Kumar Agarwal & Ors.*).

2. Considering the nature of relief sought for the aforesaid application is taken up for consideration without prior notice on the opposite parties.
3. Ms. Singh, learned advocate representing the applicants would submit that the applicants are owners of the suit property and had purchased the same by a Deed of Conveyance dated 13th December, 2022. Since the applicants claim to be interested in the suit property and having regard to the fact that the above suit has been filed praying for a declaration that the plaintiff/opposite party No.1 is the absolute owner in respect of the suit property having permanent heritable right, title and interest thereon, the above application has been filed.
4. By placing before this Court the Order No.15 dated 5th August, 2024, it is submitted that the factum filing of the application under Order 1 Rule 10(2) of the Code of Civil Procedure would corroborate from the same. She would submit that although, the applicants are vitally interested in the suit property, the above application is yet to be disposed of and the learned Court by order dated 19th August, 2024 has only invited written objection. She would also submit that unless the

application is expeditiously disposed of, the applicants would be prejudiced. She thus prays for expeditious disposal of the aforesaid application.

5. Having heard the learned advocate for the petitioners and considering the materials on record, I am of the view and having regard to the case made out, the learned Court should expeditiously hear out and dispose of the application filed by the applicants under Order 1 Rule 10(2) of the Code of Civil Procedure filed on 5th August, 2024, on the next date fixed without granting any unnecessary adjournment to any of the parties.
6. The decision in the application under Order 1 Rule 10(2) of the Code of Civil procedure must be taken by the learned Trial Court on the basis of the merits of the said application, being uninfluenced by any of the observations made herein.
7. The above revisional application accordingly stands disposed of.
8. The applicants are directed to serve a copy of the application along with this order on the opposite parties.

9. All parties to act on the basis of server copy of the order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J.)