

Sl.188
12.08.2025
Court No.6
BP

C.O. 269 of 2025

Jagat Singh Bhuiya & Ors.
-versus-
Meghnad Singh Bhuiya & Ors.

Mr. Saikat Roy Chowdhury
Mr. Aditya Chakraborty
Mr. Arindam Bandopadhyay
Mr. Aritra Ghosh
Mr. K. Mondal
... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against an order being no.14 dated December 19, 2024 passed by the learned Civil Judge (Junior Division), 2nd Court at Purulia in Title Suit No. 162 of 2024.

By the order impugned the application under Order 7 Rule 11 of the Code of Civil Procedure stood rejected.

The learned advocate appearing for the petitioners submits that though in the plaint it has been stated that the suit property has not been partitioned but from the schedule of the suit property it appears that the opposite parties have treated the suit property to be a partitioned one.

After reading the plaint as a whole this Court finds that it has been stated that the suit schedule property belonged to the predecessor of the plaintiffs and the

defendant nos. 1 to 4 and the proforma defendant nos. 5 to 9 measuring an area of 45.71 acres and some portion of the suit plot was vested to the State which is described to the schedule 2 of the plaint and the rest portion which is described in schedule 4 measuring an area about 9 acres is the raiyati property of the parties. The opposite parties have prayed for declaration of their title and for declaration of the right of occupancy in respect of schedule 4 property and for permanent injunction.

In course of argument the learned advocate appearing for the petitioners draws the attention of the Court to the supplementary affidavit, more particularly an application under Order 23 Rule 1 of the Code of Civil Procedure filed by the plaintiff nos. 1, 3, 4 and 6 wherein they have stated that the said plaintiffs were compelled to sign the plaint and other applications without going through the contents of the same and in the plaint there is suppression of material facts. As to whether some of the plaintiffs were compelled to sign on the plaint by the other plaintiffs and there is suppression of material facts in the plaint cannot be gone into while deciding an application under Order 7 Rule 11 of the Code of Civil Procedure.

The learned trial judge was right in rejecting the application under Order 7 Rule 11 of the Code of Civil Procedure as it does not appear from a bare reading of

the plaint that the plaint fails to disclose a cause of action.

At this stage the learned advocate appearing for the petitioners prays that a direction be passed upon the learned trial judge to dispose of the application under Order 23 Rule 1 of the Code of Civil Procedure filed by the plaintiff nos. 1, 3, 4 and 6 on 29th March, 2025.

In the light of the submissions made by the learned advocate for the petitioners, C.O. 269 of 2025 stands disposed of by requesting the learned Civil Judge (Junior Division), 2nd Court at Purulia to take up the hearing of the application under Order 23 Rule 1 of the Code of Civil Procedure filed by the plaintiff nos. 1, 3, 4 and 6 dated March 29, 2025 on the next date fixed after giving an opportunity of hearing to the respective parties.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)