

Court No. 6
(265719)

18.03.2025
(A 117)
(S. Banerjee)

CO 572 of 2025

Tanay Bhattacharjee
Vs.
Suman Chowdhury & Anr.

Mr. Arijit Chatterjee
Ms. Susmita Mukherjee

...for the petitioner

Affidavit of service filed in Court today, is taken on record.

It has been submitted by the learned advocate appearing for the petitioner that the registered envelop addressed to the opposite party no. 1 returned with the endorsement 'Addressee cannot be located'.

Learned advocate for the petitioner submits that the opposite party herein filed a suit for specific performance of a contract against the petitioner herein.

In such a suit the petitioner herein filed an application under Order 7 Rule 11 of the Code of Civil Procedure and the plaintiff opposite party no. 1 herein is contesting the same by filing a written objection thereto.

Record reveals that an application under Order 6 Rule 17 of the Code has been filed by the plaintiff/opposite party no. 1 herein praying for amendment of plaint.

It has been submitted by the learned advocate for the petitioner that the application under Order 6 Rule 17 as well as Order 7 Rule 11 of the Code are still pending.

In the light of the submissions of the learned advocate for the petitioner, CO 572 of 2025 is disposed of by requesting the learned Civil Judge (Sr. Division), Malda to take up the hearing of the applications under Order 6 Rule 17 and Order 7 Rule 11 of the CPC and to dispose of the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

The learned trial Judge will be free to decide as to which of the aforesaid two applications shall be taken up first.

(Hiranmay Bhattacharyya, J.)