

S/L 2
08.07.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 711 of 2025
[Assigned]

M/s. Leap Indraprojects Ltd.

Vs.

Smt. Ruma Bhowmick

Mr. Supratim Dhar, Sr. Adv.
Mr. Dhananjay Nayak

...for the Petitioner.

Mr. Rishad Medora
Mr. Meghajit Mukherjee
Ms. Sonia Das

...for the Opposite Party.

The matter has been brought to the list for extension of interim order at the instance of the petitioner, but by consent of the parties it is taken up for final disposal.

A supplementary affidavit to the revisional application and affidavit of service are filed on behalf of the petitioner, let those affidavits be kept with the record.

The instant application under Article 227 of the Constitution of India is at the instance of the sole defendant in a suit for declaration of title and injunction and is directed against the Order No.63 dated June 10, 2024 passed by the learned Judge, 6th Bench, City Civil Court at Calcutta in the said suit being Title Suit No.683 of 2023.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner under Order VII Rule 11 of the Code of Civil Procedure. The petitioner has sought for rejection of plaint of the said suit on the ground that the learned Court below lacks the territorial jurisdiction to entertain and decide the said suit.

It appears from the plaint that it is a suit for declaration that the defendant being a purely licensee under the plaintiff is not entitled to violate any terms and conditions of the said leave and licence agreement dated March 01, 2023 including causing any damages to the suit premises as described in the schedule appended to the plaint.

In view of the case made out in the application under Order VII Rule 11 of the Code vis-à-vis the case made out in the plaint, the learned Trial Judge should have treated the said

application as one under Order VII Rule 10 of the Code, instead an application under Order VII Rule 11 of the Code.

The order impugned therefore is modified to the extent that the learned Trial Judge shall treat the said application as one under Order VII Rule 10 of the Code and shall decide the same in accordance with law, after giving the plaintiff an opportunity to file a fresh written objection to the said application.

In view of the nature of the application, the learned Trial Judge is requested to dispose it of as expeditiously as possible and in doing so shall not entertain the prayer of the parties for any unnecessary adjournment.

CO 711 of 2025 is thus disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)