

Sl.114
20.05.2025
Court No.6
BP

C.O. 1142 of 2025

Sumit Singh
-versus-
Avijit Pal

Mr. Siddhartha Banerjee
Mr. Partha Pratim Roy
Mr. Anirban Gope
Mr. dhananjay Banerjee
Mr. Prateek Kumar Tiwari
..for the petitioner

Mr. Prabal Kumar Mukherjee, Sr. Advocate
Mr. Malay Bhattacharyya
Ms. Sudipa Sengupta
..for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the defendant challenging an order being no.04 dated 20th March, 2025 passed by the learned Civil Judge (Junior Division), Bishnupur, Bankura in Title Suit No. 63 of 2025.

By the order impugned the prayer for preponing of the hearing of the application under Section 151 of the Code of Civil Procedure was not allowed and the same was directed to be put up on the next date.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the opposite party has valued the suit at Rs. 100/-. He submits that the suit ought to have been valued at Rs. 3,56,26,434/-. He further submits that the opposite party has under valued the suit and if the suit

is correctly valued the learned trial judge would not have pecuniary jurisdiction to try and entertain the instant suit. He further submits that a direction be passed upon the learned trial judge to consider the said application expeditiously.

Mr. Mukherjee, learned senior advocate appearing for the opposite party vehemently opposes the prayer of Mr. Banerjee.

Mr. Mukherjee submits that no opportunity has been given to the opposite party to file any written objection to such application. He prays that a liberty be given to the opposite party to file a written objection to such application. He submits that the suit has been correctly valued.

However, without entering into the merits of the contentions raised by the learned advocates for the respective parties with regard to the valuation of the suit, this Court is of the considered view that the interest of justice would be sub-served if the learned trial judge is requested to take up the hearing of the application captioned as one under Order 7 Rule 10 and Rule 10A read with Section 151 of the Code of Civil Procedure as well as the application under Section 19(2) of the Bengal, Agra and Assam Civil Courts Act, 1887 on the next date fixed and to dispose of the same expeditiously.

The learned advocate appearing for the petitioner submits that 21st May, 2025 is fixed for hearing of the aforesaid applications.

In the light of the submissions made by the learned advocates for the respective parties, C.O. 1142 of 2025 stands disposed of by requesting the learned Civil Judge (Junior Division), Bishnupur, Bankura to take up the hearing of the applications one under Section 19(2) of the Bengal, Agra and Assam Civil Courts Act, 1887 and the other under Order 7 Rule 10 read with Rule 10A and Section 151 of the Code of Civil Procedure on the next date fixed i.e. on 21st May, 2025 and to make an endeavour to dispose of the same as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

As prayed for by Mr. Mukherjee, learned senior advocate appearing for the opposite party, the opposite party will be at liberty to file written objection by tomorrow.

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.)