

CO 1612 of 2025

Bakibilla Mondal
vs.
Amit Gupta

Mr. Mukteswar Maity
Ms. Manika Sarkar

....for the Petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendant and is against an order being 68 dated 24th February, 2025 passed by the learned Civil Judge (Junior Division), 2nd Court at Barasat in Title Suit No. 410 of 2024.

By the order impugned the application filed by the petitioner herein under Section 10 of the Code of Civil Procedure stood rejected.

The subject matter of the Title Suit No. 410 of 2024 relates to LR Plot Nos. 1053 and 1055 whereas the suit property in the Title Suit No. 312 of 2023 is LR Plot No. 1053.

After going through the plaint of Title Suit No. 312 of 2023 and Title Suit No. 410 of 2024, this Court is of the considered view that the learned Trial Judge was right in holding that the suit property as mentioned in the schedule of the plaint of the aforesaid suit are not the same.

It further appears to this Court that the subsequent suit is a more comprehensive suit.

Learned Trial Judge assigned cogent reasons for rejecting the said application.

This Court does not find any reason to interfere with the order impugned. Accordingly, CO 1612 of 2025 stands dismissed.

There shall be however no order as to costs.

It is however made clear that this order shall not prevent the petitioner herein from taking appropriate steps before the learned Trial Court in accordance with law.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)