

M/L 102
14.01.2025
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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 1502 of 2024

Dhananjay Keora
Versus
Manik Keora

Mr. Arunesh Pathak
Mr. Aniruddha Singha Roy
... For the petitioner.

1. Challenging the order no.7 dated 22nd January, 2024 passed by the learned Civil Judge (Junior Division) 2nd Court, Chandernagore, Hooghly, in Title Suit No. 186 of 2023 thereby rejecting the application filed under Order VII Rule 11 of the Code of Civil Procedure, 1908 (hereinafter referred to as the "Code"), the instant revisional application has been filed.
2. Mr. Pathak, learned advocate appearing in support of the aforesaid revisional application by drawing attention of this Court to the petition filed under Order VII Rule 11 of the Code and the plaintiff would submit that the plaintiff does not disclose any cause of action. He would submit that the plaintiff/opposite party has no right, title and interest in the suit property and cannot claim right, title and interest on the basis of the sale deed no.5384 of 2010. According to him, the plaintiff is not in possession of the suit property. He would submit that the

statements made in the plaint it would appear that the plaint is barred by law.

3. Having heard the learned advocate for the petitioner and having considered the statements made in the plaint it would appear that the plaintiff in the instant suit i.e. the opposite party herein claims that the suit property originally belonged to one Susanta Bandopadhyay, who by dint of a registered deed of sale sold and transferred unto and in favour of the plaintiff the said property against receipt of proper consideration. According to the plaintiff, upon purchase of the property, the plaintiff had raised two pacca rooms with concrete roof and had been residing thereat with his family. The plaintiff claims to have come from a backward community and having no knowledge as regards mutation proceeding, did not take any steps to have the property mutated in his name with the office of the BL & LRO. The plaint further discloses that the defendant had been declaring in the locality that the defendant is the owner of 0.2 decimal of land in respect of the suit property i.e. plot no.499. Upon ascertaining the same the plaintiff had caused searches. However, did not find the name of the defendant recorded in respect of the aforesaid 0.2 decimal of suit property. On 14th May, 2023, the

plaintiff confronted the defendant and had called upon the defendant to disclose his title to the property, if any, but the defendant refused. It is in such circumstances and apprehending dispossession that the plaintiff has approached the learned Court by filing the suit for declaration and injunction. Upon perusal of the plaint it is amply clear that the same discloses cause of action for maintaining a suit for declaration that the plaintiff is the owner in respect of the suit property as also for injunction. As to whether the registered deed of sale being 5384 of 2010 confers any interest on the plaintiff in the suit property is a subject matter of trial. The defendant's application under Order VII Rule 11 of the Code cannot proceed on the basis of the defendant's case. It may be noted that the learned Judge taking note of the statement made in the plaint and having not found any ground to reject the same, had rejected the application filed under Order VII Rule 11 of the Code.

4. Having regard thereto, I do not find any irregularity on the part of the learned Judge in dismissing the application filed under Order VII Rule 11 of the Code. The petitioner has also not been able to identify any jurisdictional error.
5. Having regard thereto, the revisional application

fails and is accordingly dismissed.

6. There shall be no order as to costs.

(Raja Basu Chowdhury, J.)