

M/L- 494
12/09/2025
Ct. No.-6
Aritra

C.O. 1725 of 2024

**Abul Hasem Quadery
Vs.
Abidur Rahaman**

Mr. Amritam Mondal
Mr. Avirup Mondal
Mr. A.Z. Mondal
Mr. Debdipta Sen

....for the petitioner

Mr. Tarak Nath Halder

....for the opposite party

This application under Article 227 of the Constitution of India is at the instance of a defendant in a suit for eviction praying for transfer of one of the said suits to the Court where the other suit is pending in order to facilitate the analogous hearing of both the suits.

The petitioner herein filed a suit for declaration of tenancy right being Title Suit No.258 of 2008. The said suit is presently pending before the learned Civil Judge (Jr. Div.), 2nd Court at Sealdah. The opposite party herein filed a suit for eviction against the petitioner herein being Ejectment Suit No.66 of 2017 and the same presently pending before the learned Civil Judge (Jr. Div.), Additional Court at Sealdah.

Mr. Halder, learned advocate appears for the opposite party and submits that the suit for declaration of tenancy right may be transferred to the Court of the learned Civil Judge (Jr. Div.), Additional Court at Sealdah. Considering the fact that the suit for

declaration of tenancy right and a suit for eviction is pending, both the suits are required to be heard analogously provided both the suits are at the same stage.

The learned advocates for the respective parties submit that both the suits are at the stage of peremptory hearing.

In view thereof, the Title Suit No.258 of 2008 is withdrawn from the file of the learned Civil Judge (Jr. Div.), 2nd Court at Sealdah and the same shall stand transferred to the Court of the learned Civil Judge (Jr. Div.), Additional Court at Sealdah for analogous hearing with Ejectment Suit No.66 of 2017.

The learned Civil Judge (Jr. Div.), 2nd Court at Sealdah is directed to transmit the records of Title Suit No.258 of 2008 to the Court of the learned Civil Judge (Jr. Div.), Additional Court at Sealdah. The learned Civil Judge (Jr. Div.), Additional Court at Sealdah shall hear both the suits analogously.

The order impugned stands set aside.

With the above observations and directions CO 1725 of 2024 stands disposed of accordingly.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)