

20.05.2025
DL.144

Court No. 652
sg

**C.O. 1671 of 2023
With
IA. No. CAN 1 of 2024**

**Jayanti Biswas & Ors.
Vs.
Adhir Kumar Paul & Ors.**

Mr. M. Rahman

Mr. Sankar Paul

Ms. Shipra Ray

....for the petitioner.

Mr. Kartick Kr. Bhattacharya

Mr. Tulsi Das Roy

Ms. Soumashree Dutta

....for the respondents.

Affidavit of service filed by the petitioner is
taken on record.

After making some submissions by both
the parties, learned Counsel submits that the
plaintiff/petitioner may move fresh application
under appropriate provisions and the Court may
decide the same in accordance with law.

With consent of both the parties since fresh
application has to be moved the impugned order
in Title Suit No. 146 of 2020 dated 03.01.2023 is
set aside. Let application be moved by the
plaintiff/petitioner. Learned Trial Court shall call

the objections of the defendant/opposite parties and shall decide the application afresh expeditiously in accordance with law.

It is pertinent to mention that this Court has not gone into the merits of the case and no expression made herein shall tantamount to be merits of the case.

Accordingly, petition stands disposed of.

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

(Dinesh Kumar Sharma, J.)