

02.07.2025
Item no. 45
Court No.6.
AB

C. O. 2017 of 2025

**Debdas Mondal & Others
Vs
Sailendranath Mondal**

Mr. Siddhartha Banerjee,
Mr. A. Bhandari,
Mr. Pritam Basufor the Petitioners.

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated May 16, 2025, passed by the learned Additional Civil Judge (Jr. Division) at Alipore in Title Suit No. 1543 of 2024.

By the order impugned, the learned Trial Judge fixed the date for awaiting orders from the Appellate Court in Misc. Appeal No.357 of 2024.

Learned advocate appearing for the petitioners submits that in Misc. Appeal No.357 of 2024, no order of stay of all further proceedings of the suit has been passed.

He further submits that the hearing in connection with the application under Order 7 Rule 11 of the Code of Civil Procedure has been concluded but no order has been passed by the learned Trial Judge till date.

Pendency of a Misc. Appeal arising out of an order of injunction cannot be a ground for not passing

an order on the application under Order 7 Rule 11 of the Code of Civil Procedure.

In view thereof, C. O. No. 2017 of 2025 stands disposed of by requesting the learned Additional Civil Judge (Jr. Division), 1st Court, Alipore to dispose of the application under Order 7 Rule 11 of the Code of Civil Procedure as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

(Hiranmay Bhattacharyya, J.)