

Court No. 6
(265719)

08.07.2025
(AD 29)
(S. Banerjee)

CO 2065 of 2025

A. M. Cohen
Vs.
Sol Noah & Ors.

Mr. Rahul Karmakar
Mr. Somnath Mukherjee

...for the petitioner

Mr. Raj Mohan Chatteraj
Mr. Tanmoy Sett
Mr. Mahboob Rahman

...for the opposite party nos.
4-6, 9-12, 14-17

Affidavit of service filed in Court today, is taken
on record.

This application under Article 227 of the
Constitution of India is at the instance of the plaintiff
no. 1 and is directed against order being no. 86 dated
April 3, 2025, passed by the learned 2nd Bench, City
Civil Court at Calcutta in Title Suit No. 539 of 2019.
By the said order a date has been fixed for hearing
the defendant no. 6 only in respect of his application
under Section 340 of the Criminal Procedure Code.

Mr. Karkamar, learned advocate appearing for
the petitioner submits that an application filed under
the provisions of Section 340 of the Cr.P.C. is
required to be registered as a Miscellaneous Judicial

Case under Rule 776 under serial no. 37 of the Civil Rules and Orders.

Such submission is seriously disputed by the learned advocate appearing for the opposite party nos. 4, 5, 6, 9, 10, 11, 12, 14, 15, 16 and 17. He submits that under serial no. 37 of Rule 776, only a miscellaneous criminal case under Section 195 and not 340 of the Cr.P.C., is to be registered as a Miscellaneous Judicial Case.

After hearing the learned advocates for the respective parties this court feels that without entering into the issue as to how such application is to be registered, the interest of justice would be subserved if the learned 2nd Bench, City Civil Court at Calcutta is requested to dispose of the application under Section 340 of the Cr.P.C. expeditiously.

Learned advocates for the respective parties uniformly submits that September 20, 2025 has been fixed for hearing of the application under Section 340 of the Cr.P.C.

This court further finds that by an order dated November 22, 2024 in CO 3038 of 2024 (*Aline Mordecai & Ors. -Vs.- Mr. Sol Noah & Ors.*) the coordinate bench clarified that though the interim order pertains to any other proceedings in the suit,

the same shall not stand as an impediment in having the application under Section 340 of the Cr.P.C. heard out.

Thus, this court finds that the interest of the respective parties have been adequately protected by the order dated November 22, 2024. The learned 2nd Bench, City Civil Court at Calcutta is requested to take up the hearing of the application under Section 340 of the Cr.P.C. on the next date fixed and to make an endeavour to dispose of the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

With the above observations and directions, the civil revision application stands disposed of.

It is, however, made clear that the issue as to how an application under Section 340 of the Code of Criminal Procedure should be registered is left open to be decided in a future proceeding.

(Hiranmay Bhattacharyya, J.)