

Court No. 6
(265719)

16.07.2025
(AD 6)
(S. Banerjee)

CO 2119 of 2025

Arun Nandi
Vs.
Swapan Nandi

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana
Ms. Shreejita Sen

... for the petitioner

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

In spite of service, none appears to oppose this
application.

Mr. Mukherjee, learned advocate appearing for
the petitioner submits that the registered envelope
addressed to the opposite party returned with the
endorsement 'Refused'. Thus, it is a good service.

This is an application under Article 227 of the
Constitution of India at the instance of the plaintiff
challenging the orders passed in Civil Revision No. 6
of 2025 pending before the learned Additional District
Judge, 2nd Court at Hooghly arising out of Title Suit
No. 46 of 2015.

Mr. Mukherjee, learned advocate appearing for
the petitioner submits that the civil revision

application is not maintainable and for such reason an application challenging the maintainability of the civil revision application has been fixed for hearing on September 4, 2025.

Since an objection has been raised as to the maintainability of the civil revision application, this court is of the considered view that interest of justice would be sub-served if the learned Additional District Judge, 2nd Court at Hooghly is directed to take up the application challenging the maintainability of the civil revision application on the next date fixed, i.e., on September 4, 2025 and to dispose of the same as expeditiously as possible after affording an opportunity of hearing to the respective parties and without granting any unnecessary adjournment to either of the parties.

It appears from the report filed by the learned Additional District Judge, 2nd Court at Chinsurah that the records of the title suit has already been transmitted to the learned trial judge.

It is, however, made clear that the records of the Title Suit No. 46 of 2015 shall not be called for by the learned Additional District Judge, 2nd Court at Hooghly for the purpose of deciding the civil revision application and the parties will be at liberty to produce any material which are part of the records

before the learned trial judge for the purpose of effective adjudication of the application challenging the maintainability and the civil revision application, as the case may be.

With the above observations, CO 2119 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)