

18.06.2025

Court No.25

Sl. No.8
Mujahid

CO 1862 of 2023

**Sri Sukdeb Ghata @ Sukdeb Ghanta & Anr.
Vs.
Sri Shyamalendu Pal & Anr.**

Mr. Amarnath Sukul

...for the petitioners

1. Present matter has been filed challenging the order no.05 dated 16th May, 2023 in J Misc 54 of 2023.

2. Learned counsel for the petitioner submits that on 16th May, 2023, the matter was taken up on the strength of put up. However, he submits that opposite parties were not served. Learned counsel also submits that he had filed a caveat which was not taken into consideration.

3. The court considers that this thing should have been brought to the notice of the concerned court before filing this petition. In any case, the record as to the service and the caveat is also only with the trial court and this court will not be able to ascertain the correctness of the submissions.

4. Hence the present petition is disposed of with liberty to approach the learned trial court and to move an appropriate application. Learned trial court

shall decide the same in accordance with law expeditiously.

5. At this stage, learned counsel for the petitioners informed that the learned trial court is not sitting. Let the appropriate application be moved before the learned District Judge, Paschim Medinipore. Learned District Judge may assign the matter to the court of competent jurisdiction

6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Dinesh Kumar Sharma, J.)