

Sl.11
14.07.2025
Court No.6
BP

C.O. 2315 of 2025

Sandhya Pal & Anr.
-versus-
Amal Banik

Mr. Subhendu Bandyopadhyay
Mr. Arka Mondal
..for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the plaintiffs and is directed against an order being no. 178 dated 29th March, 2025 passed by the learned Civil Judge (Junior Division), 1st Court, Serampore, Hooghly in Misc. Case No. 103 of 2023.

By the order impugned the application under Section 151 of the Code of Civil Procedure alleging violation of the order for repairing stood rejected.

After going through the prayers made in the application under Section 151 of the Code of Civil Procedure this Court finds that the petitioners sought for an order of attachment of the properties and for detention of the opposite parties into civil prison for violation of the order dated 14th September, 2023. The learned trial judge was right in holding that the application under Section 151 of the Code of Civil Procedure cannot be treated as a miscellaneous case under Order 39 Rule 2A of the Code of Civil Procedure.

For such reason, this Court is not inclined to interfere with the order impugned.

At this stage the learned advocate appearing for the petitioners prays for a direction upon the learned trial judge to dispose of the title suit expeditiously.

In the light of the submissions made by the learned advocate for the petitioners, C.O. 2315 of 2025 stands disposed of with the hope and trust that the learned Civil Judge (Junior Division), 1st Court, Serampore, Hooghly shall make an endeavour to dispose of the Title Suit No. 72907 of 2017 as expeditiously as possible.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)