

Court No. 6
(265719)

09.07.2025
(AD 11)
(S. Banerjee)

CO 2354 of 2025

Amin Akbar & Anr.
Vs.
Md. Ashfaque @ Bablu

Mr. Nitai Chandra Saha
Mr. Abhijit Chandra Majumder
...for 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 January 10, 2025 passed by the learned Civil Judge (Sr. Division) 5th Court at Alipore in Title Suit NO. 1201 of 2022. By the order impugned the application under Order 7 Rule 11 of the Civil Procedure Code stood rejected.

Learned advocate appearing for the petitioner submits that the plaint failed to disclose a cause of action. He further submits that the plaintiff has merged three reliefs in respect of his tenanted premises and for such reason the plaint of the instant suit is liable to be rejected. He further submits that the suit has been grossly undervalued.

The opposite party herein filed a suit for declaration of tenancy and for permanent injunction restraining the petitioner and their men and agents

from evicting the opposite parties from the suit property. It has been stated in the said application that the defendant no. 5 is the promoter who has been appointed by the defendant nos. 1 to 4 to make a construction of a new building on the suit property and the opposite parties have entered into an agreement with the defendant no. 5 and have entered into an agreement for purchasing the flats in the suit property.

After going through the averments made in the plaint, this court finds that the plaint discloses a cause of action. From the averments made in the plaint of the suit it cannot be said that the suit is barred by any law. The learned trial judge was right in holding that the issue of undervaluation of the suit cannot be a ground of rejection of plaint at that stage.

The learned trial judge assigned cogent reasons for rejecting the application under Order 7 Rule 11 of the Civil Procedure Code. This court does not find any reason to interfere with such order.

Accordingly, CO 2354 of 2025 stands dismissed. There shall, however, be no order as to cost.

(Hiranmay Bhattacharyya, J.)