

28.07.2025
Item no. 22.
Court No.6.
AB

C. O. 2660 of 2025

**Dipalok Dutt & Anr.
Vs
Smt. Anita Kar & Anr.**

Mr. Sakya Sen, Sr. adv,
Mr. Purnasish Rayfor the Petitioners.

Mr. Satadeep Bhattacharya
Ms. Sonia Sharma
Mr. A. L. Dhar,
Mr. Abirlal Chakraborty,
Ms. Sriparna Mitrafor the O. P. No.2.

This application under Article 227 of the Constitution of India is at the instance of the plaintiffs and is directed against an order dated 10.04.2025 passed by the learned Judge, 13th Bench, City Civil Court at Calcutta in Title Suit No.1250 of 1990.

By the order impugned, the petitioners were directed to show cause as to why the suit should not be dismissed for non compliance of the order dated 3.8.2015.

Mr. Sen, learned senior advocate appearing for the petitioners draws the attention of this Court to the postal slip and the track report in support of his contention that the copy of the amended plaint has been duly served upon the defendant no.1.

Such submission is, however, disputed by the learned advocate appearing for the opposite party no.2/caveator.

However, after going through the impugned order, this Court does not find that any decision as to whether the petitioners have complied with the said order or not has not been taken as yet and only the petitioners were directed to file a show cause.

In view thereof, this Court is not inclined to interfere with the order impugned.

C. O. No.2660 of 2025 stands dismissed accordingly.

At this stage, Mr. Sen, learned senior advocate appearing for the petitioners draws the attention of this Court to an observation made by the learned Trial Judge that the service is not accepted as it was not in compliance with the order dated 3.8.2015.

It is, however, made clear that the learned Trial Judge shall decide the show cause without being influenced by any observations made in the order dated April 10, 2025 and after hearing the learned advocates for the respective parties.

(Hiranmay Bhattacharyya, J.)