

Sl.15
01.08.2025
Court No.6
BP

C.O. 2739 of 2025

Goutam Kumar Mallick & Ors.
-versus-
Molay Sarkar & Ors.

Mr. Indranath Mukherjee
Mr. Avijit Saha
... for the petitioners

On the prayer of Mukherjee, learned advocate appearing for the petitioners, leave is granted to the learned advocate on record of the petitioners to amend the cause tile of the civil revisional application here and now.

This application under Article 227 of the Constitution of India is at the instance of the awardee and is directed against the orders dated 9th December, 2024, 6th February, 2025 and 11th March, 2025 all passed by the learned L.A. Judge being the 3rd Additional District Judge at Barasat, North 24 Parganas in Misc. Case No. 161 of 2024. The miscellaneous case arises out of an application filed under Section 47 of the Code of Civil Procedure.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that the application under Section 47 of the Code of Civil Procedure is not maintainable. He further submits that such application has been filed before the wrong forum and only a single application has been filed in two proceedings.

Mr. Mukherjee, learned advocate appearing for the petitioners prays for a direction upon the learned 3rd Additional District Judge at Barasat to dispose of the Miscellaneous Case No. 161 of 2024 arising out of LRA Case No. 62 and 63 of 2001 expeditiously.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that 14th August, 2025 has been fixed for hearing of the said miscellaneous case.

C.O. 2739 of 2025 stands disposed of by requesting the learned Additional District Judge, 3rd Court at Barasat, North 24 Parganas to take up the hearing of the Miscellaneous Case No. 161 of 2024 on the next date fixed i.e. on 14th August, 2025 and to make an endeavour to dispose of the same as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

It is, however, made clear that the learned Judge shall take up the issue with regard to the maintainability of the application under Section 47 of the Code of Civil Procedure before entering into the merits of the said miscellaneous case.

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.)