

Ct. No.446 D/L
Saikat 10 17.06.2025

CO/2596/2024

**SK MD RAFIKUL ISLAM AND ANR.
VS.
AZAD HOSSAIN**

Mr. Sounak Bhattacharya, Adv.
Mr. Chandra Nath Sarkar, Adv.
Mr. Sounak Mondal, Adv.

...For the Petitioners

Mr. Shounak Mukhopadhyay, Adv.
Mr. Kallol Saha, Adv.
Mr. Akash Ghosh, Adv.
Ms. Anisha Saha, Adv.

...For the Opposite Party

1. Affidavit-of-Service filed by the learned advocate appearing for the petitioners is kept with the record.
2. This application under Article 227 of the Constitution of India is filed against an order dated 17th May, 2024 passed by the learned Civil Judge (Junior Division), Ghatal in Title Suit No.103 of 2017 whereby the application of the Defendant No.1/Petitioner under section 10 of the Code of Civil Procedure has been refused.
3. At the outset, both the learned advocates for the parties submit before this court that while admitting this revisional application on 29th July, 2024, a co-ordinate Bench of this Court was of the view that the possibility of analogous hearing may be explored. It is also submitted before this court that if order of

analogous hearing of the pending title suits is passed by this court the parties will have no objection.

4. On careful perusal of the record it appears that two suits were filed by the parties against each other in respect of self-same property. Title Suit No.101 of 2017 has been filed by the plaintiff/petitioner herein for khas possession and mandatory injunction against the opposite party. The other suit filed by the opposite party being Title Suit No.103 of 2017 against the present petitioners for declaration that he is the co-owner of the suit property. The scheduled properties of both the suits are same. Parties are also same. Both the suits are now pending before the learned Civil Judge (Junior Division), Ghatal at the peremptory hearing stage. So, the issues of both the suits are directly and substantially same. Accordingly, the petitioner under section 10 of the Code of Civil Procedure was filed for stay the Title Suit No.103 of 2017 which has been refused.
5. In order to mitigate the issues arises herein and the submissions made by both the learned advocates regarding analogous hearing and also with a view to avoid multiplicity of litigation as well as to shorten the period of litigation, such prayer may be considered. Moreover, the order dated 29th July, 2024, passed by a co-ordinate Bench also expressed possibility of

analogous hearing and/or consolidation of the suits in question.

6. In view of the above, the learned Civil Judge (Junior Division), Ghatal, is directed to hear out both the suits being Title Suit No.101 of 2017 and Title Suit No.103 of 2017 analogously considering the stage of each of the proceeding and to take all further steps in accordance with law.
7. The revisional application is disposed of accordingly.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]