

Court No. 6
(265719)

18.08.2025
(AD 30)
(S. Banerjee)

CO 2987 of 2025

Sri Sanat Karmakar
Vs.
Smt. Santa Nag & Anr.

Mr. Rashin Singh

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated May 8, 2025 passed by the learned Civil Judge (Jr. Division), 3rd Court at Alipore in Title Suit No. 381 of 2024.

The petitioner herein filed an application being CC No. 305 of 2023 before the learned Consumer Disputes Redressal Commission, Unit – III, Alipore praying for an order directing the opposite parties herein to execute and register the deed of conveyance on receipt of the balance consideration for the suit schedule shop room.

The opposite parties filed a Title Suit being no. 381 of 2024 before the learned learned Civil Judge (Jr. Division), 3rd Court at Alipore praying for declaration that agreement for sale dated March 27, 2002, is not enforceable and inoperative by operation

of law and for a further declaration that the defendant has no right to remain in possession of the suit property and for a decree for recovery of possession of the suit property against the petitioners directing them to deliver possession of the suit property to the opposite parties and for mesne profits.

After going through the averments made in the plaint and the complaint case, this court is of the considered view that the issues involved in the title suit and the consumer complaint are not the same. The scope of the title suit is much more wider and larger than the scope of the consumer complaint. The issues involved in the consumer complaint case and the title suit cannot be said to be same and identical. The learned trial judge was right in rejecting the prayer for stay of all further proceedings of the suit till the disposal of the consumer complaint.

For such reasons, this court is not inclined to interfere with the order impugned. Accordingly, CO 2987 of 2025 stands dismissed.

(Hiranmay Bhattacharyya, J.)