

Sl.35
29.08.2025
Court No.6
BP

C.O. 3040 of 2025

Subodh Kumar Banerjee & Anr.
-versus-
Thakur Sri Sri Radha Gibinda Jeu

Mr. Partha Sarathi Das
Mr. Hafiz Ali
Ms. Shanta Sarkar
Ms. Purnima Panda
... for the petitioners

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

This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against an order being no. 36 dated 3rd May, 2025 passed by the learned Civil Judge (Senior Division), Kandi, Murshidabad in Partition Suit No. 163 of 2022.

By the order impugned the application under Section 11 of the Code of Civil Procedure stood rejected.

The learned advocate appearing for the petitioners submits that the earlier suit for partition between the self same parties was dismissed and the opposite party has subsequently filed the instant suit for partition. He submits that the instant suit is barred by the principles of res judicata.

On a query of the Court the learned advocate appearing for the petitioner, in his usual fairness, submits that suit plot no. 1730 of Kandi mouza was not the subject matter of the earlier suit for partition.

This Court is, therefore, of the considered view that the learned trial judge was right in rejecting the application under Section 11 of the Code of Civil Procedure.

Accordingly, C.O. 3040 of 2025 stands dismissed.

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.)