

Court No. 6
(265719)

02.09.2025
(AD 16)
(S. Banerjee)

CO 3177 of 2025

Hasanur Jaman @ Hasanujjaman Mallick & Ors.
Vs.
Smt. Chaitali Paul & Anr.

Mr. Mukteswar Maity
Ms. Manika Sarkar

... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against order dated June 9, 2025 passed by the learned Civil Judge (Jr. Division) at Bidhannagar in Title Suit No. 101 of 2024. By the order impugned the application under Order 7 Rule 11 of the Civil Procedure Code stood rejected.

Mr. Maity, learned advocate appearing for the petitioners submits that suppressing the pendency of several suits between the parties the opposite parties herein have filed the instant suit. He further submits that the opposite parties herein are harassing the petitioners by filing frivolous litigations and are trying to encroach upon the property of the petitioners. He further submits that the opposite parties have also started construction on the said property.

After going through the application under Order 7 Rule 11 of the Civil Procedure Code this court finds that the ground on which rejection of plaint has been sought for is that the instant suit has been filed by suppressing material facts and also that several suits are pending between the parties with regard to the self-same subject-matter.

After going through the averments made in the plaint this court finds that the plaint discloses a cause of action. The opposite parties filed a suit for declaration of right, title, interest and possession in respect of the property and for permanent injunction. The learned advocate appearing for the petitioners could not demonstrate in course of his argument, that the suit is barred by any provision of law.

Accordingly, this court holds that the petitioners could not make out any ground for rejection of plaint under Order 7 Rule 11 of the Civil Procedure Code.

For such reason this court is not inclined to interfere with the order impugned. Accordingly, CO 3177 of 2025 stands dismissed.

(Hiranmay Bhattacharyya, J.)