

Court No. 6
(265719)

01.09.2025
(A 1448)
(S. Banerjee)

CO 3333 of 2024

Debangshu Chowdury
Vs.
Sree Sree Radhe Govinda Jewa Debuttar Estate,
represented HIRAK KUMAR MITRA

CAN 1 of 2025

Mr. Avirup Mondal
Mr. Aditya Mondal
Ms. Rupsa Sreemani
Mr. Debdipta Sen

... for the petitioner

Re: CAN 1 of 2025

This is an application for recalling the orders dated July 10, 2025 and July 16, 2025 passed in CO 3333 of 2024.

By the order dated July 10, 2025, the civil revision application stood dismissed for default.

Since there were some typographical errors in the cause-title, the said errors were rectified by the subsequent order dated July 16, 2025.

After going through the averments made in the said application and after hearing the learned advocate appearing for the petitioner, this court is of the considered view that the petitioner was prevented

by sufficient cause for not appearing before the court when the matter was dismissed for default on July 10, 2025.

In view thereof, orders dated July 10, 2025 and July 16, 2025 stand recalled.

The civil revision application stands restored to its original file and number.

Re: CO 3333 of 2024

Let the supplementary affidavit filed in court today be taken on record.

This application under Article 227 of the Constitution of India is at the instance of the defendant no. 5 in Title Suit No. 49 of 2021 and is directed against order no. 33 dated June 25, 2024 passed by the learned Judge, 10th Bench, City Civil Court at Calcutta.

Learned advocate appearing for the petitioner submits that since the suit for eviction being Ejectment Suit No. 486 of 2001 in respect of the self-same property, is pending between the parties, the petitioner prayed for stay of all further proceedings of Title Suit No. 49 of 2021. He submits that the learned trial judge without considering the fact and the suit property is same and identical in both the suits, the

subsequent suit being Title Suit No. 49 of 2021 should be stayed till the disposal of Ejectment Suit No. 486 of 2001.

In the order dated June 25, 2024, the learned trial judge recorded that no document has been produced to show that the suit between the self-same parties with regard to the self-same property was pending and rejected the application for stay.

Learned advocate appearing for the petitioner submits that at the relevant point of time the petitioner was not in possession of such documents. He submits that at present the petitioner is in possession of such documents to show that similar suit between the self-same parties with regard to the same subject-matter is pending.

However, considering the fact that no document was produced before the learned trial judge, this court is not inclined to interfere with the order impugned. If the petitioner is in possession of documents to show that the subsequent suit is pending between the self-same parties with regard to the same subject matter wherein the same issues are also involved, it will be open to the petitioner to take appropriate steps before the learned trial judge in accordance with law.

With the above observations CO 3333 of 2024
stands disposed of.

(Hiranmay Bhattacharyya, J.)