

14.10.2025
Ct. no. 5
Item no. 7
sb

CO 3748 of 2025

**Firojul Haque & Ors.
Vs.
Abdul Gani & Ors.**

Mr. Kamalesh Chandra Saha
Ms. Payel Mitra ...for the Petitioners

1. This instant application has been filed under Article 227 of the Constitution of India assailing the order dated 2.9.2025 passed by the learned Additional District & Sessions Judge, Fast Track, 4th Court, Barasat, North 24 parganas in connection with Misc. Appeal no. 67 of 2025 preferred by the petitioners/defendants.
2. By the said impugned order, the learned Additional District & Sessions Judge rejected the stay of the title suit filed by the plaintiff being title suit no. 592 of 2025 and issued notice upon the defendants and call for lower court records and the next date fixed for hearing.
3. It is the specific case of the petitioner that the petitioner has filed the Title suit being no. 584 of 2025 against the plaintiff of Title suit no. 592 of 2025 and the subject matter of the suit property is involved in the both the Title suit is same.

4. The application for Temporary application file by the petitioner in Title suit filed by the petitioners was heard by the Trial court and the interim order was passed in the form of status quo with regard to the right title and interest of the suit property. Similarly, in the second suit filed by the opposite parties, the same order was passed in the form of status quo over the suit property as mentioned in the schedule property though the opposite suppressed the pendency of earlier suit filed by the petitioners. The second ad-interim order is liable to set aside as two suits cannot be filed on the self same suit property.
5. Ad-interim orders passed by the Trial court would not highly prejudice to the parties if the suit property is same and similar.
6. With the above observations, the revisional application is disposed of with a request to the Trial court to dispose of both the title suits together if the suit property and parties are same and identical and to pass order accordingly as expeditiously as possible without granting unnecessary adjournment to the either of the parties.

7. Parties shall act on the basis of the server copy of this order, duly downloaded from the official website of this court.

(Ajay Kumar Gupta, J.)