

M/L-614 & 615
12/09/2025
Ct. No.-6
Aritra

C.O. 704 of 2024

**Sadhan Bhattacharya & Ors.
Vs.
Manoj Kumar Bhattacharyya & Anr.**

With

C.O. 3706 of 2024

**Manoj Kumar Bhattacharyya & Anr.
Vs.
Sadhan Bhattacharya & Ors.**

Mr. Uttiya Ray
Ms. Anima Maiti

....for the petitioners in
CO 704/2025 and the opposite
parties in CO 3706/2024

Mr. Arup Krishna Das
Mr. Abdus Salam
Mr. Rajarshi Ghosh

....for the opposite parties in
CO 704/2025 and the petitioners
in CO 3706/2024

In Re: CO 704 of 2024

This application under Article 227 of the Constitution of India is at the instance of the some of the claimants and is directed against a judgment and order dated December 12, 2023 passed by the learned Additional District Judge, 1st Court, Purba Bardhaman in L.A. Case No.9 of 2020.

By the judgment and order impugned it was held that Manoj Kumar Bhattacharyya i.e. the opposite party No.1 is entitled to the amount of compensation on account of acquisition of portion of 0.04 acre in plot

No.4453/4524 and he was permitted to withdraw the same amount.

After going through the said judgment and order, this Court finds that the said order was passed on the basis of an *ex parte* decree passed in Title Suit No.64 of 2004.

Mr. Ray, learned advocate appearing for the petitioner submits that challenging the said *ex parte* decree a miscellaneous case under Order 9 Rule 13 of the Code of Civil Procedure along with application under Section 5 of the Limitation Act are pending.

Since the basis of the impugned judgment decree is the *ex parte* decree and a miscellaneous case for setting aside such *ex parte* decree is pending, this Court is inclined to pass an interim order.

There shall be an order of stay of operation of the impugned judgment till the end of the month of April, 2026 or until further orders, whichever is earlier. The learned Civil Judge (Jr. Div.), 2nd Court, Burdwan is requested to dispose the Miscellaneous Case No.37 of 2023 and the application under Section 5 of the Limitation Act as expeditiously as possible but preferably by the end of the month of March, 2026, without granting any unnecessary adjournments to either of the parties.

In Re: CO 3706 of 2024

In view of the order passed on September 12, 2025 in CO 704 of 2024, nothing remains to be decided in CO 3706 of 2025.

Accordingly, CO 3706 of 2024 stands disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)