

28.11.2025
SL No.10
Court No.6
(gc)

CO 4021 of 2025

**Raghu Nath Samanta & Anr.
Vs.
New Town Millennium Tower
Resident's Welfare Association & Ors.**

Mr. Anirban Roy
...for the Petitioners.

1. The petitioners are aggrieved by the orders dated July 7, 2025 and September 18, 2025 passed by the learned Civil Judge (Jr. Divn.), 1st Court at Barasat in Title Suit No.599 of 2009. By the orders impugned, the learned Court came to the finding that although the suit was ready for delivery of judgment, the judgment could not be delivered as it was brought to the notice of the Court belatedly, that two misc. cases were pending at the instance of the plaintiffs/petitioners.
2. The Court also enquired whether the plaintiffs wanted the misc. cases to continue or not. The plaintiffs expressed their willingness to continue with the same. Under such circumstances, the Court directed that the plaintiffs should take immediate steps for disposal of the misc. cases. The Court held that the plaintiffs suppressed the fact that the Misc Cases were pending.

3. It is at the option of the plaintiffs whether to continue with the misc. cases or not. Even if the result of the misc. cases do not have any bearing on the final adjudication of the disputes between the parties in the suit, the Court did not commit any irregularity in passing the orders impugned. Unless interlocutory applications are disposed of, the suit cannot be disposed of.
4. Under such circumstances, the revisional application is disposed of.
5. If the plaintiffs want to withdraw the misc. cases, they are at liberty to do so. Such prayer must be made before the learned Trial Court.
6. There shall be no order as to costs.
7. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)