

21.01.2025
Item No.29
Ct. No. 30
Aloke

CO 3972 of 2024

Mritrunjoy Sasmal
Vs
Uttam Karmakar

Mr. Saunak Bhattacharya
Mr. Saunak Mandal
Mr. Abhirup Halder
... for the petitioner
Mr. Rittick Chowdhury
... for the opposite party

The present revisional application has been preferred against an order dated 09.07.2024 passed by the learned Civil Judge (Junior Division), 5th Court, Howrah in Title Suit No. 977 of 2023 rejecting the petitioner's/defendant's prayer under Section 10 of the CPC.

It is submitted by the learned counsel for the petitioner that the petitioner initiated a prior title suit being no. 618 of 2019, which is presently pending before the learned Civil Judge (Senior Division), 1st Court, Howrah.

From the submissions made by the learned counsel for both the parties, it appears that title suit no. 977 of 2023 is an eviction suit and title suit no. 618 of 2019 is a suit filed by the defendant for specific performance of contract (agreement) which was executed prior to the filing of the eviction suit. The opposite party/land lord herein challenges the said agreement.

Considering that the dispute arises out of the same property between the same parties/which includes subsequent purchasers, the ends of justice requires that both the suits be heard by the same Court simultaneously.

Accordingly, let the record of title suit no. 977 of 2023 be transferred from the Court of learned Civil Judge (Junior Division), 5th Court, Howrah to the learned Civil Judge (Senior Division), 1st Court, Howrah and heard along with Title Suit no. 618 of 2019.

The transferee Court shall consider the application under Section 10 of the CPC filed in T.S. 977 of 2023 afresh and on hearing the parties pass an order in accordance with law.

The order under revision is thus set aside and the revisional application is thus disposed of.

There will be no order as to costs.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Let a copy of this order be sent to the learned District Judge, Howah for information and necessary action and a copy of the same be also sent to the Court of learned Civil Judge (Senior Division), 1st Court, Howrah and to the Court of learned Civil Judge (Junior Division), 5th Court, Howrah.

(Shampa Dutt (Paul), J.)