

17.12.2025
Ct. No. 06
Sl. No.5
skg

C.O. No. 4393 of 2025

Indian Oil Corporation Limited
Vs.
Ambe Plywood Pvt. Ltd.

Mr. Saptansu Basu, Sr. Adv.,
Mr. Partha Pratim Roy,
Mr. Amit Meharia,
Ms. Paramita Banerjee,
Mr. Sayan Dey,

.....for the petitioner

Mr. Krishnaraj Thaker, Sr. Adv.
Mr. Suddhasatra Banerji,
Mr. Soumabho Ghose,
Mr. Sagnik Majumdar,
Ms. Shreya Ghosh Dastidar,

....for the opposite party

1. The petitioner is the judgment debtor in Title Suit no. 39 of 2000. The petitioner preferred Title Appeal no. 07 of 2025, challenging the judgment and the decree passed by the learned trial Judge. The petitioner is aggrieved by the order dated December 8, 2025, passed by the learned District Judge, Alipore, South 24 Paraganas, in Title Appeal No. 07 of 2025.
2. By the order impugned, the learned court fixed the hearing of the application under Section 10 read with Section 151 of the Code of Civil Procedure.
3. The decree holder was granted an opportunity to file a written objection to the said application. It is submitted by Mr. Basu, the learned Senior Advocate for the petitioner that, the learned Court acted illegally

and with material irregularity, in fixing the application for hearing at a later date, although, the hearing of the appeal was near completion.

4. Mr. Basu apprehends that the appeal will be heard and disposed of and the application for stay will become infructuous.
5. It is further submitted that an application under Order 41 Rule 27 of the Code of Civil Procedure is being heard along with said appeal. In the meantime, the application for stay of the appeal was necessitated by the fact that, the petitioner wanted the issue of ownership of the suit land, to be decided by the thika controller.
6. The learned appeal court was of the view that this was a point of law which should be decided by the learned court upon hearing the decree holder.
7. I do not find any irregularity in the order impugned. The issues involved in the multiple applications filed by the judgment debtor are interconnected with the question involved in the appeal. The grounds for stay of hearing of the appeal are primarily on the issue that the petitioner is a thika tenant and the thika controller should determine the ownership of the land comprising the suit property. The same ground has been taken in the appeal. The findings of the learned trial judge that the land is not a thika land and the petitioner is not thika tenant is under challenge in the

appeal. An application under order 41 Rule 27 of the Code of Civil Procedure, to adduce additional evidence i.e., documents relating to the thika tenancy, is also pending. In my view, the applications can be decided along with the appeal. The learned Court will proceed with the hearing of the appeal, upon giving adequate opportunity to the parties to address the learned court on the issue involved. The learned court shall proceed in the manner he deems fit and proper.

8. With the above observations, the revisional application is accordingly dismissed. The learned court will proceed on merits.
9. No party will take unnecessary adjournments.
10. There shall be no order as to costs.
11. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)