

D/L- 39
07/03/2025
Ct. No.-6
Aritra

C.O. 4406 of 2024

**M/s Shashwat Holdings (P) Ltd.
Versus
Sri Sri Madan Mohan Jew Thakur
represented by Gunanka Churn Law & Ors.**

Mr. Imtiaz Ahmed
Mr. Mahesh Joshi
Mr. Kajal Dutta

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant No.2 and is directed against an order dated November 20, 2024 passed by the learned Civil Judge (Jr. Div.), Addl. Court, Sealdah, District-South 24-Parganas in Title Suit No.232 of 2007.

By the order impugned the application under Order 7 Rule 11 of the Code of Civil Procedure stood rejected. The application for rejection of the plaint was filed on the following grounds:-

- (a) the plaint does not have a cause of action.
- (b) the suit is under value.
- (c) the plaint is not sufficiently stand.
- (d) the plaint is barred by law.
- (e) the plaint is not filed in duplicate and
- (f) the plaintiff does not comply with Order 7.

It is not in dispute that the suit is at the stage of arguments.

In view thereof this Court is not inclined to interfere with the order impugned leaving the petitioner free to agitate all points at the time of arguments of the suit.

However, the cost of Rs.2000/- imposed upon the defendants stands deleted. The impugned order stands modified only to the extent as indicated herein.

CO 4406 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.)