

S/L 09
29.10.2025
Court No.01
SK

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction

C.O. 197 of 2025

Smt. Sonu Goyal
Vs.
Mohammad Hadel @ Abed Ali Mohammad &
Ors.

Mr. Rajat Das (VC),
Ms. Srijana Thapa,
Mr. Ripon Biswas ... for the Petitioner.

The present application under Article 227 of the Constitution of India is at the instance of the defendant no. 1 in a suit for declaration and injunction and is directed against the order No. 14 dated May 07, 2025 passed by the learned Civil Judge (Junior Division) at Jalpaiguri, in the said suit being Title Suit No. 132 of 2023.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner under Order XIV Rule 2 of the Code of Civil Procedure for framing a preliminary issue of maintainability in the suit.

The defendants since have questioned the maintainability of the suit, the learned Trial Judge is obliged to decide the said issue, however the grounds thereof raise mixed question of law and fact, as such cannot be decided as a preliminary issue, particularly when the suit has reached the stage of peremptory hearing.

This Court therefore does not find any reason to interfere with the order impugned.

C.O. 197 of 2025 is thus disposed of with the above observations without any order as to costs.

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

(Biswajit Basu, J.)