

Item No.21
04.02.2026
Court. No. 6
GB

C.O. 210 of 2026

Mitu Kejriwal
Vs.
Sailendra Lath & Ors.

*Mr. Subhankar Nag,
Ms. Manaswita Mukherjee*

...for the Petitioner.

1. The petitioner is aggrieved by an order dated December 18, 2025, passed by the learned Civil Judge (Senior Division), 8th Court at Alipore in Title Suit No.87 of 2023.
2. By the order impugned, the learned court removed the suit from the ex parte board as against the defendant nos.3 to 5 in the suit. The learned court allowed the defendants an opportunity to contest the suit.
3. Mr. Nag, learned advocate for the petitioner plaintiff submits that the order impugned is illegal, erroneous and contrary to the settled principles of law. According to Mr. Nag, no reasons have been assigned as to why the learned court had shown such leniency to the defendant nos.3 to 5.
4. It appears to this Court that, for the ends of justice, the trial court was of the opinion that the defendant nos.3 to 5 should be given an opportunity to contest the suit and cost of Rs.500/- each was imposed. The application for injunction has been kept for hearing.

5. I do not find any illegality in the order impugned. The learned court had exercised discretion and held that ends of justice demanded that the defendant nos.3 to 5 should be given an opportunity to contest the suit. Admittedly, this is a suit between relatives. This is a suit for recovery of possession.
6. Under such circumstances, the revisional application is disposed of.
7. However, it is made clear that the defendant nos.3 to 5 shall file their written statement, if not already filed, within a period of three weeks from the date of communication of this order to them. This order shall be brought to the notice of the learned court as also to the notice of the defendant nos.3 to 5 by a put up petition. The learned court is requested to dispose of the suit as expeditiously as possible, without granting any unnecessary adjournments to either of the parties.
8. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)