

25.03.2026  
Item No.17 (DL)  
Court No.06  
AJ.

**IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION**

**C.O. 998 of 2026**

**Mohammad Zakir Hossain  
-Vs-  
Zeenat Sultana & Ors.**

Mr. Kaushik Dey,  
Mr. Shohan Sanyal,  
Mr. Debdipto Banerjee,  
Ms. Debjani Halder.  
.....for the petitioner.

1. This revisional application is directed against an order dated January 19, 2026 passed by the learned Civil Judge (Senior Division), 2<sup>nd</sup> Court at Contai, Purba Medinipur whereby the petitioner's application under Order XIV Rule 2(2) of the Code of Civil Procedure, 1908 has been dismissed.

2. Mr. Dey, learned Advocate appearing for the petitioner submits that the learned Trial Court ought to have framed a preliminary issue as prayed for by the petitioner in the application under Order XIV Rule 2(2) of the Code, in view of the fact that all the properties except one lie beyond the territorial jurisdiction of the learned Trial Court and that the single property which lies within the jurisdiction of the learned Trial Court is no more owned by the petitioner.

3. The opposite parties as plaintiffs have claimed shares in respect of the properties in suit

asserting that the petitioner is the owner of such properties. The petitioner claims that the single property, which falls within the jurisdiction of the learned Trial Court, is not owned by him. Such dispute would have to be decided on the basis of evidence. The right claimed by the opposite parties is on the basis of ownership right alleged by them to be there in the petitioner. It is settled that preliminary issues can only be framed where no evidence is required and if decision on an issue depends upon proof of facts which are disputed, then such issue cannot be decided as a preliminary issue. In such view of the matter, it cannot be said that the learned Trial Court has committed an error in not framing the preliminary issue. Furthermore as regards the ground of territorial jurisdiction of the Court, the same does not stand since in terms of Section 17 of the Code, any Court within whose jurisdiction, a portion of the property-conglomerate in suit lies would have jurisdiction to entertain the suit based on the same cause of action in respect of all properties which form part of the property-cluster.

4. In such view of the matter, no illegality or material irregularity can be said to be there in the order impugned. This revisional application is therefore not entertained.

5. The learned Trial Court is requested to expedite the hearing of the suit and dispose of the same as expeditiously as the business of the learned Trial Court would permit without granting any unnecessary adjournment to either of the parties.

6. C.O. 998 of 2026 stands disposed of. No costs.

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

**(Om Narayan Rai, J.)**