

Item-
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01-07-2026

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Ct. 6

CO 2029 of 2026

Pradip Dasgupta @ Pradip Kumar Dasgupta
Versus
Srilekha Chatterjee & Ors.

Mr. Rahul Karmakar
Mr. Nirmalya Dutta
Mr. Sounak Mukherya
...for the petitioner
Ms. Shabana Hasin
...for the opposite parties

This instant application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order being No. 58 dated 4th June, 2026 passed by the learned Civil Judge (Junior Division), 1st Court at Sealdah in Title Suit No. 35 of 2019.

By the order impugned the application under Section 10 of the Civil Procedure Code praying for stay of all further proceedings of the suit for eviction of a licensee, instituted by the opposite party, on the ground of pendency of an appeal arising out of an order of dismissal of a suit, filed by the petitioner, for declaration of title and permanent injunction stood rejected.

The learned Advocate appearing for the opposite parties submits that in the meantime, the said appeal being Title Appeal No. 25 of 2018 stood dismissed for default and there is no appeal in the eye of law at present.

In reply, Mr. Karmakar learned Advocate for the petitioner submits that an application for restoration of the Title Appeal is pending.

On a query of the Court, Mr. Karmakar, in his usual fairness, submits that the restoration application is pending

and the appeal has not yet been restored to its original file and number.

The evidence in the suit for eviction has been completed. It is not in dispute that the application under Section 10 of the Code was filed on the date fixed for argument.

The learned trial judge has arrived at a finding that the suit property as mentioned in the schedule of the plaint of two suits are different. Such finding does not suffer from perversity.

The learned Trial Judge has assigned cogent reason for rejecting the application under Section 10 of the Code of Civil Procedure. This Court does not find any reason in interfering with the said order.

Accordingly, this civil revisional application stands disposed of.

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

(Hiranmay Bhattacharyya, J.)