

20.01.2026
Item No38
BR

CO 2134 of 2022
IA No. CAN 2 of 2025
Lakshmi Narayan Singh
-vs-

Samir Roy and Ors.

Mr. Gopal Chandra Ghosh, Sr. Adv.,
Ms. S. Ghosh,
Mr. Raj Krishna Mondal,
Mr. Nabakumar Karmakar,
Ms. P. Samanta
... for the petitioner

Mr. Diptomoy Talukder,
Mr. Triptimoy Talukder,
Mr. Abir Bhattacharya,
Mr. Abhiraj Tarafdar
... for the respondent no. 1

1. Supplementary affidavit filed by the petitioner be kept with the record.
2. The civil revision has been preferred challenging an order dated 3.6.2022 passed by the learned Civil Judge (Junior Division) at Bidhannagar, District -24 Parganas (North) in Title Suit No. 493 of 1988.
3. Vide the order under challenge the learned trial Court has rejected the defendant/petitioner's application under Order 7 Rule 11 Civil Procedure Code by passing an order as follows :

“ On perusal of the petition, W.O and other materials on record it appears to this Court that the petition is vexatious in nature when the suit was posted in PH board defendants files this petition to drag the matter for indefinite period. So, this Court is not inclined to allow this petition filed by the defendants and the and the petition is liable to be rejected subject of payment of cost of Rs. 5000/- payable to the plaintiffs in hand.

Hence , it is

Ordered

that the petition under Order 7 Rule 11 of CPC filed by the defendants is rejected on contest and disposed of accordingly. “

To 3.8.2022 for P.H.”

4. On perusal of the copy of the application under Order 7 Rule 11 CPC, this Court finds that the defendant/petitioner herein has raised specific issues regarding the maintainability of the suit, including an issue that the suit property is a thika tenanted property, the trial Court by the impugned order has passed an order which shows no

specific reasons recorded by the trial Court while rejecting the application. The said order does not show any application of mind by the trial Court nor any proper consideration of the application under Order 7 Rule 11 CPC.

5. Considering the said facts, the impugned order dated 3.6.2022 being not in accordance with law, is set aside. The application under Order 7 Rule 11 is restored and the trial Court is directed to hear the said application under Order 7 Rule 11 afresh and on hearing both the parties, pass a **reasoned order** in accordance with law while disposing of the same, which shall be done within 30 days from the date of communication of this order.
6. CO 2134 of 2022 stands disposed of.
7. Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)