

10.02.2026
Ct. No. 30
S.L. No. 36
SM

CO 3464 of 2023
Dilip Kumar Das
Versus
Siddhartha Sankar Dey & Ors.

Mr. Sounak Bhattacharya
Mr. Abhirup Halder
Ms. Bipasha Bhattacharya
.....for the petitioners
Mr. Rabindra Mahato
Mr. A.S. Ray
.....for the opposite party

1. The revisional application has been preferred challenging an order being no. 37 dated 17.08.2023 passed by learned Civil Judge (Senior Division) Bishnupur, Bankura in Title Suit No. 05 of 2020 (Reg. No. 05/20).
2. Vide the impugned order, the Trial Court has fixed the petitions under order 7 Rule 11(d) read with Section 151 CPC filed by the defendant no. 10 to 12 and another application also under order 7 Rule 11(d) CPC filed by the defendant nos. 22 and 29 along with the injunction petition for hearing, on the next date. Being aggrieved the revision has been preferred.
3. Considering the fact that an application under Order 7 Rule 11 CPC, challenges the maintainability of the suit, the same is to be considered, prior to taking up any other application in the suit of which maintainability has been challenged.
4. Accordingly, the impugned order dated 17.08.2023 is modified to the extent that the Trial

Court shall first hear the two applications under order 7 Rule 11 CPC and make all endeavour to dispose of the same within 30 days from the date of communication of this order and thereafter based on the decision in respect of the applications under Order 7 Rule 11 CPC, proceed in accordance with law.

5. Both these applications can be heard together.

6. **Civil Revision stands disposed of.**

7. Applications, if any, connected thereto stand disposed of consequently.

8. Interim order, if any, stands vacated.

9. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]