

20.05.2026
Ct. No. 30
S.L. No. 23
SM

CO 4122 of 2024
Debnath Das & Ors.
Versus
Tripti Construction & Ors.

Mr. Pulak Roy
.....for the petitioners
Mr. Debangana Bhattacharya
Ms. Tuli Sinha
Mr. Chittaranjan Das
Ms. Sonali Saha
.....for the Opposite parties

1. The present revisional application has been preferred praying for transfer of Title Suit (for Declaration and Injunction) No. 636 of 2024, pending in the Court of the learned 1st Court of Civil Judge, Junior Division, at Barasat, on the ground that the petitioner is being severely prejudiced because his application under Section 151 of the CPC filed on 13th June, 2024 was initially fixed in the Month of December, 2026 and on a prayer being made by the petitioner for expeditious hearing, the same has been preponed to August, 2026.

2. The petitioner submits that he is being severely prejudiced because he is unable to enter his premises and as such the application is to be heard on urgent basis.

3. Learned counsel appearing for the opposite parties submit that in the same suit, their application under Section 10 CPC is also pending hearing.

4. It is further submitted that the said application under Section 10 CPC is to be heard first and then the Court can proceed in accordance with law.

5. On hearing the parties, this Court is of the view that the grounds as made out by the petitioner does not call for transfer of the suit, but in the interest of the justice, the revisional application is disposed of with the direction that the Trial Court shall make all endeavour to dispose of the application under Section 10 of the CPC pending before it, on hearing all the parties by the 26th June, 2026 and on disposal of the said application in accordance with law, the Court shall proceed expeditiously with the proceeding in the suit.

6. In case the application under Section 10 is rejected then the application under Section 151 shall also be taken up and disposed of within 15 days thereafter, on hearing all parties in accordance with law.

7. The writ application stands **disposed of**.

8. It is made clear that this Court has not gone into the merit of the case.

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]