

Item 23.03.2026
No. 30

Ct
04

RUP

**IN THE CIRCUIT BENCH CALCUTTA HIGH
COURT**

**AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION**

C.O. No. 36 of 2026

Smt. Uma Dutta & Anr.

**Vs
Nayan Das & Ors.**

Mr. Kunaljit Bhattacharjee.

Mr. Alik Sah.

... For the petitioners.

Learned advocates for the petitioners are present.

Heard learned advocates for the petitioners.

It is the contention of the petitioners that in an application filed under Order 39 Rule 2A, read with Section 151 of the Code of Civil Procedure, the Learned Trial Court has fixed the next date of hearing on 21.04.2026. Learned advocate submits that the Learned Trial Judge be directed to hear out this case under Order 39 Rule 2A expeditiously along with suit which is fixed on 25.03.2026.

In the facts and circumstances, this Court is of the view that necessary liberty should be given to the petitioners/plaintiffs to make necessary application before the Learned Trial Court in this regard.

Thus, this application under Article 227 of the Constitution of India stands disposed of by granting liberty to the petitioners/plaintiffs to make necessary application before the Learned Trial Court for hearing out the Title Suit being No. 248 of 2020 pending before the Learned Civil Judge (Junior Division) 2nd Court, Jalpaiguri and also Misc. Case No. 09 of 2026 analogously.

In the event, such application for analogous hearing is made; the Learned Trial Court shall consider the same and decide in accordance with law.

It is hereby made clear, this Court has not gone into the merits of the main case and all points will be left open to be agitated by the parties.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Biswaroop Chowdhury J.)