

21.04.2026
Item No.02 (DL)
Court No.04
AJ.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION**

C.O. 49 of 2026

Ganesh Bhowal

-Vs-

Smt. Anjana Dutta & Ors.

Mr. Soumyajyoti Dutta,
Ms. D. Roy,
Ms. Kakali Roy.
.....for the petitioner.

1. This revisional application is directed against an order dated March 02, 2026 passed by the learned Civil Judge (Junior Division), Jalpaiguri in Title Suit No. 122 of 2020 whereby the petitioner's request for disposal of his application under Order VII Rule 11 of the Code of Civil Procedure, 1908 prior to his application under Order XIV Rule 2(2) of the Code has been declined.

2. The opposite party nos.1 to 3 have instituted Title Suit No. 122 of 2020 before the learned Civil Judge (Junior Division), First Court at Jalpaiguri inter alia for a declaration that an agreement dated December 24, 2007 is forged, illegal and void, a declaration that the plaintiffs have right to enjoy the A schedule property of the plaint and for permanent injunction. In the said suit, the petitioner had initially filed an application under Order XI Rule 21 of the

Code seeking dismissal of the suit for not allowing inspection of documents sought to be inspected under Order XI Rule 18 of the Code. Such application met with rejection by the learned Trial Court. The order of rejection was carried in revision before this Court by filing C.O. 105 of 2023.

3. C.O. 105 of 2023 was dismissed by an order dated November 23, 2023, however, with an observation that the petitioner would be at liberty to prefer appropriate application including application under Order VII Rule 11 or Order XIV Rule 2 of the Code before the learned Trial Court.

4. The petitioner has filed two applications one under Order VII Rule 11 and the other under Order XIV Rule 2(2) of the Code. He is aggrieved by the Court not disposing of the application under Order VII Rule 11 of the Code first.

5. By the order impugned, the learned Trial Court has fixed a date for hearing both the applications together. Hence, the revisional application.

6. Learned Advocate appearing for the petitioner invites the attention of this Court to the order dated January 29, 2025 whereby February 28, 2025 had been fixed for hearing the petitioner's application under Order VII

Rule 11 of the Code upon the petitioner's prayer to dispose of the same first. It is submitted that the said application was heard and reserved for orders but the Presiding Officer of the learned Trial Court got transferred and the successor Presiding Officer has fixed a date for hearing both the applications together. It is submitted that such course could not have been adopted by the new incumbent without first recalling the order dated January 29, 2025.

7. Heard the learned Advocate for the petitioner and considered the material-on-record.

8. The order dated January 29, 2025 passed by the learned Trial Court does not indicate, even in the least, that hearing of the petitioner's application under Order VII Rule 11 of the Code was to precede the hearing of the application under Order XIV Rule 2 of the Code.

9. While it is true that ordinarily application under Order VII Rule 11 of the Code is to be disposed of first as the same is acts as a threshold filter for weeding out frivolous cases and a decision thereon is taken only on the examination of plaint and the documents which form the basis thereof, yet, in the facts of the present case where the

learned Trial Court has found that the “factual matrix’ of both the applications are the same, this Court does not find any illegality in the course adopted by the learned Trial Court as the learned Trial Court should be left free to conduct its business in accordance with law. In the facts of the present case, the learned Trial Court cannot be said to have committed any jurisdictional error in hearing both the applications together.

10. In such view of the matter, the order impugned calls for no interference. C.O. 49 of 2026 stands dismissed. There shall be no order as to costs.

11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)