

Title Suit No.633 of 2019
Present : Jayashree Banerjee, Chief Judge.
Order No.25/dated 20.07.2023:

It is submitted by the Ld. Counsel for the respondent that the plaintiff had also filed a writ petition being WPA 4821 of 2020 before the Hon'ble High Court and the Hon'ble High Court disposed of the Writ by order dated 08.06.2023. The said Writ petition was disposed of by Justice Subhra Ghosh observing as follows:

"The writ petition primarily challenges the order passed by the Estate Officer, Central Warehousing Corporation, on 15.02.2020. It is an admitted position that the said order has already been implemented and possession of the storage space in question has been handed over to the Kolkata Port Trust by Central Warehousing Corporation.

In view of the above, nothing further remains to be adjudicated in the writ petition since the same has become redundant.

The writ petition is accordingly disposed of."

Ld. Counsel for the plaintiff is present and submits that he has already filed a review application against the order passed by the Hon'ble Single Bench on 08.06.2023. It is also the submission of the Ld. Counsel since the review application is pending, the suit may be stayed, till such time the review application is disposed of.

Before I pass any order on the merit of the submission of the the Ld. Counsel for the plaintiff it is worth noting that Hon'ble High Court in a general direction to the District Courts made it very clear if any appeal, revision, review is preferred from any order of District Court which is pending before the Hon'ble Court the same shall not be a reason for the Trial Court to stay its proceeding until and unless there is a stay order passed by the Hon'ble High Court.

In the given circumstance, this court is thus not inclined to adjourn the hearing of the suit today as has been prayed for by the Ld. Counsel for the plaintiff but shall proceed with the hearing of the suit ex parte.

Ld. Counsel for the plaintiff submitted that he is not ready with his witness and sought for time.

Such time is granted and the suit will be taken up for ex parte hearing on coming Tuesday i.e. 25.07.2023.

Let the matter stand adjourned till that date.

Dictated & corrected by me,

Chief Judge

Chief Judge
City Civil Court, Calcutta.