

Misc. Appeal no. 111 of 2022

Present : Sri Biswarup Bandyopadhyay, Chief Judge (WB 01133)

Order No. 38 dated 10.11.2025 :

Both parties file hazira.

Today is fixed for submission of Ld. Commissioner's report and hearing of following applications filed by the appellant :-

(1) Application u/o. 41 r. 3 of C.P.C. dated 10.02.2025 seeking incorporation of additional grounds in the memo of appeal;

(2) Application u/s 151 of C.P.C. dated 22.07.2025 praying for not pressing the application for local inspection;

(3) Application u/s 151 of C.P.C. dated 12.06.2025 seeking adjudication on the point of jurisdiction of the Estate Officer;

(4) Application u/s 151 of C.P.C. dated 30.06.2025 seeking adjudication on the point that the impugned order is not executable;

(5) Application u/s of 151 of C.P.C. dated 25.11.2024 for incorporation of additional ground as ownership;

(6) Application u/s 151 of C.P.C. dated 23.04.2024 seeking direction on the respondent for submission of Auditor report; and lastly

(7) Application u/s 151 of C.P.C. dated 24.06.2024 not to proceed further until decision of the competent authority.

Written objection to the aforesaid objections dated 22.07.2025, 12.06.2025, 30.06.2025 and 25.11.2024 as referred to herein above have been already filed on record affidavit-in-reply to the written objections in connection with the application dated 22.07.2025 have been also filed by the appellant.

So far as the application dated 23.04.2024 and 24.06.2025 are concerned, it does not appear that the respondents have filed any written objection.

Heard Ld. Counsels appearing for the appellant as well as the respondents.

On bare perusals of the applications, it is evident that the jurisdiction of the Estate Officer itself is under challenge and there is also a separate prayer not to proceed further until final decision of competent authority. It is not in dispute that the Hon'ble High Court in seisin of the matter involving the dispute of ownership of a track of land between the Government of West Bengal and Syama Prosad Mookerjee Port Trust.

In view of such situation, I am of the considered view that a comprehensive argument needs to be advanced by both the parties starting with the jurisdiction of the Estate

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Officer and the question as to whether this Court can at all proceed further in view of the pendency of the matter before the Hon'ble High Court.

Accordingly, the Ld. Counsels are requested to advance argument in respect of all the applications and the appeal itself on the next date.

Appellant has filed an application u/s 151 of C.P.C. supported by affidavit praying for extension of the ad interim order on the ground stated therein.

Prayer is considered and allowed.

Interim order be extended till the next date.

Let the matter be fixed on **27.11.2025 at 03.00 p.m.** for argument of the appeal and all connected applications.

Dictated & corrected by me

Chief Judge

Chief Judge
City Civil Court, Calcutta.