

Title Appeal No.99 of 2024.

Order No.06 dated 12.09.2024.

Today is fixed for SR & AD.

It appears from the record that SR of respondent no.2, 3, 4, 5, 6, 7 are returned after service but they did not appear.

Appellant files hazira.

Respondent No.1 also files hazira. Respondent No.1 files a written objection against application u/s 151 of CPC filed by the appellant. Copy is served.

Respondent no.1 also cross objection being received with dissatisfied with issue no.1 as held by Ld Civil Judge (Jr Div) 5<sup>th</sup> Court in title suit no.142 of 2004. Copy is enclosed.

Appellant is directed to receive the copy of cross objection.

Ld Advocate for the appellant submitted for fixing a short date for hearing of the petition u/s 151 of CPC and Ld Advocate for the respondent no.1 submitted that maintainability be heard at first. Considering their submissions and counter submissions and considering the urgency involved in the matter, let the appeal be fixed on 19.09.2024 for hearing of the maintainability petition and petition u/s 151 of CPC.

Fix 19.09.24 for hearing of the maintainability petition and petition u/s 151 of CPC.

Additional District Judge,  
2nd Court, Howrah.