

Title Suit 70/ 2019 (CIS - 70/ 2019)
CNR No. - WBHW 07 000 079 of 2019

Order No.17 dated 17.02.2022

Today is fixed for hearing the petition under Section 151 C.P.C. filed by the plaintiffs on 11.01.2021.

Defendants are present.

No step has been taken by the plaintiffs. Accordingly the plaintiffs are directed to show cause in writing as to why the present suit shall not be dismissed for default.

At this stage Ld. Advocate of the defendants submitted that an application under Order 39 Rule 4 C.P.C. filed by the said defendants on 20.01.2021 is yet to be disposed of. Ld. Advocate further submitted that in connection with the selfsame suit property another title suit being T.S. 130 of 2019 is pending between the parties to this suit. Ld. Advocate, therefore, prayed that the application under Order 39 Rule 4 C.P.C. be disposed of by passing necessary order thereon.

Heard the Ld. Advocate of the defendant.

Perused the instant application under Order 39 Rule 4 C.P.C. filed by the defendants. It is the considered view of this Court that it will not be proper to take up the hearing of the instant application in the absence of the plaintiffs. Furthermore, as has already been admitted by the Ld. Advocate of the defendants that another title suit being T.S. 130 of 2019 is pending between the parties in connection with the selfsame suit property, therefore, liberty is given to the defendants to file appropriate application as per law in the said title suit No. 130 of 2019 in connection with the reliefs sought by the defendants under the instant application under Order 39 Rule 4 C.P.C.

To 19.04.2022 for showing cause by the plaintiffs.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah
(JO Code WB 01195)

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