

IN THE COURT OF DISTRICT JUDGE,

SOUTH 24-PARGANAS AT ALIPORE

Misc. Appeal No. 293 of 2025 (R-293)

Present : Sri Chinmay Chattopadhyay-II (WB00695) District Judge-in-charge,

Rizia Bibi

... Appellant

Vs.

Bireswar Chatterjee

... Respondent

Order No. 02, dated 08.09.2025

The record is taken up today at the instance of a put up petition filed on behalf of the appellant.

An application under Section 151 of the C.P.C has been filed on behalf of the appellant.

Ld. Advocate for the appellant prays for moving the application under Section 151 of the C.P.C.

It appears from the record that no caveat has been filed.

As such, the application under Section 151 of the C.P.C is taken up for hearing.

Ld. Advocate for the appellant prays for stay of all further proceedings of Title Suit No. 1615 of 2017 till disposal of the instant appeal manifesting the ground that the Ld. Trial Court has no jurisdiction to try the suit to determine the

issues involved in the suit and to that effect, the appellant, being the defendant therein, filed an application under Order VII Rule 10 read with Section 151 of C.P.C. Subsequently, the Ld. Trial Court after hearing both sides was pleased to reject the said application. Being aggrieved with the order of rejection of the said application, the instant appeal has been preferred by the appellant/defendant along with an application for stay seeking stay of operation of all further proceedings of the said suit till disposal of the instant appeal.

Heard the submission of the Ld. Advocate for the appellant.

Perused the record, the application for stay and the impugned order.

Upon hearing the submissions made on behalf of the appellant and upon perusal of the impugned order, this Court is of its view that the appellant has been able to make out a *prima facie* case in her favour and urgency is also apparent from the case record. If, at this stage, an order of ad-interim stay is not granted in favour of the appellant, then the appellant would suffer irreparable loss and injury and filing of the instant Misc. Appeal would become infructuous. There may also arise multiplicity of proceedings if the prayer for stay is refused at this stage.

Hence,

it is,

ORDERED

that the prayer for an ad-interim order of stay is allowed in favour of the appellant/defendant till **05.11.2025** (as Puja vacation intervenes).

Let there be an order of stay of the operation of the order dated 07.08.2025 passed by the Ld. Civil Judge (Jr. Divn.) 1st Court at Alipore, South 24 Parganas, in

Title Suit No. 1615 of 2017 till **05.11.2025**.

Issue notices upon the respondent asking him to show cause within 15 (fifteen) days from receipt thereof as to why the instant Misc. Appeal shall not be allowed in favour of the appellant.

Requisites at once.

To date i.e. on **05.11.2025** for S/R and A/D.

Let a copy of this order be sent to the Ld. Trial Court for information.

Dictated & corrected by me,

Sd/- Sri Chinmay Chattopadhyay-II

District Judge I/c

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