

Sl. 21
19.03.2025
Court No.6
BP

C.O. 942 of 2025

Sambhu Nath Dutta
-versus-
Mantu Mondal @ Mantu Charan Mondal

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for eviction and is directed against an order being no.11 dated 5th December, 2024 passed by the learned Civil Judge (Junior Division), 4th Court at Howrah in Title Suit No. 445 of 2023.

By the order impugned the application under Section 10 of the Code of Civil Procedure filed by the opposite party herein stood allowed.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the opposite party herein filed a suit for declaration of tenancy right and for permanent injunction being Title Suit No. 673 of 2021. Mr. Mukherjee submits that the suit property involved in both the suits is same. Most of the parties of the suits are also same. He further submits that both the suits are more or less at the same stage as in the suit filed by the opposite party a date has been fixed for filing the examination-in-

chief by way of an affidavit and in the suit filed by the petitioner herein the written statement of the opposite party herein have been accepted. He further submits that both the suits are pending before the self-same court.

Mr. Mukherjee submits that considering the nature of both the suits and in order to avoid conflict of judicial decisions both the suits may be consolidated and heard together.

The petitioner is directed to serve a copy of this application upon the opposite parties by registered speed post with acknowledgement due and file an affidavit of service on the next date.

There shall be an order of stay of all further proceedings in Title Suit No. 673 of 2021 pending before the learned Civil Judge (Junior Division), 4th Court, Howrah till the end of May, 2025 or until further orders whichever is earlier.

List this matter in the Monthly List of May, 2025 under the heading "Contested Application".

(Hiranmay Bhattacharyya, J.)