

18.09.2024
Item No.113, ML
Ct.19
A.J.

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 1984 of 2024

Hazi Hasan Ullah Laskar
-Vs-
Sk. Muksed Ali & Ors.

Mr. Kalyan Kumar Bandyopadhyay,
Senior Advocate,
Mr. Ram Anand Agarwal,
Ms. Nibedita Pal,
Mr. Ananda Gopal Mukherjee,
Ms. S. Ray.

.....for the petitioner.

Mr. Shyamal Sarkar,
Senior Advocate,
Ms. Nasrin Khatoon.

.....for the opposite party no.44.

Affidavit of service evidencing service of notice of the revisional application upon the learned Advocate who lodged caveat on behalf of the plaintiffs/opposite parties is filed but none appears on behalf of the caveators, let it be kept with the record.

In the Paragraph '47' of the plaint, it has been alleged that the cause of action of the present suit arises from the withdrawal of Title Suit No. 1442 of 2016 on January 16, 2023, such cause of action *prima facie* appears to be illusory since the plaintiffs are not the parties to the said suit, therefore, dismissal of the petitioner's application under Order VII Rule 11 of the Code of Civil Procedure *prima facie* appears to be not sustainable.

The revisional application requires further consideration upon notice to the non-appearing opposite parties.

Mr. Sarkar, learned senior Advocate appears on behalf of the opposite party no.44 and waives service of formal notice upon his client.

The petitioner is directed to issue notice to the other non-appearing opposite parties as well as their learned advocate in the Court below.

Let the matter be included in the **Combined Monthly List of December, 2024** under the heading “**Motion**”.

The petitioner shall file affidavit-of-service on the next date of hearing.

There shall be stay of all further proceedings of Title Suit No. 830 of 2023 pending before the learned Judge, 13th Bench, City Civil Court at Calcutta **till the end of the month of December, 2024 or until further order(s), whichever is earlier.**

Parties to act on the server copy of this order duly downloaded from the official *website* of the Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)