

ML 858
08.11.2024
S. Gayen
ct.no.5

CO 3476 of 2024
with
CAN 1 of 2024

Shyam Shree Apartments (P) Ltd.
Versus
Sri Kartick Pal alias Sukumar Pal & Ors.

Mr. Dhiraj Kumar Trivedi
Mr. Saunak Bhattacharya
Ms. Kotha Sarkar

...for the petitioner

By an order dated 27th of September, 2024 the Coordinate Bench of this Court has directed further consideration of the above revisional application upon notice.

The learned advocate for the petitioner by placing before this Court an affidavit of service and the track report appended thereto, which is taken on record, would submit that in terms of the aforesaid order, the petitioner had duly communicated the factum of passing of the order dated 22nd September, 2024 to the opposite parties. It is submitted that the original defendant No.2 during his life-time in a suit for eviction of trespasser had filed a written statement. Unfortunately, the substituted legal heirs of the opposite party No.2 pursuant to the leave granted by the learned Court in the guise of filing an additional written statement has made out a new case. Though, the petitioner had sought

for striking out the same by filing an application under Order 6 Rule 16 read with Section 151 of the Code of Civil Procedure, such application has been rejected.

Despite service the opposite parties are not represented.

Having heard the learned advocate for the petitioner and considering materials on record, I am of the view that the petitioner should once again serve a notice on the opposite parties.

Pending disposal of this application there shall be an order of stay of all further proceedings of Title Suit No. 22 of 2005 pending before the learned Civil Judge (Junior Division), 3rd Court at Srirampur, Hooghly till the next date of hearing or until further order whichever is earlier

List this matter under the same heading on 29th of November, 2024.

(Raja Basu Chowdhury, J.)