



OD-4

IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE

IA NO. GA/5/2022  
In CS/96/2020

SANGITA SAHA AND ANR.  
Vs  
JAYA SAHA AND ANR.

BEFORE:  
The Hon'ble JUSTICE SUGATO MAJUMDAR  
Date : 21<sup>st</sup> June, 2024.

Appearance:

*Mr. Arnab Mukherjee, Adv.*  
*...for the plaintiffs*

*Ms. Suparna Mukherjee, Adv.*  
*Mr. Sayantan Bose, Adv.*  
*Ms. Ankita Choudhury, Adv.*  
*Mr. Saunak Mukhopadhyay, Adv.*  
*...for the defendants*

The Court:- GA/5/2022 is filed with a prayer for condonation of delay, direction to the Department to issue Writ of Summons along with other prayers. Learned Counsel for the plaintiff submitted that the matter is pending for long before the Co-ordinate Bench and number of adjournments were given. It is further submitted that in the pretext of pendency of appeal, the defendants took repeated adjournments. Learned Counsel for the defendant on the other hand submitted that the defendant preferred an application under Order 7 Rule 11 before the Co-ordinate Bench agitating ground which is the subject-matter of GA/5/2022. That application was rejected. An appeal was preferred against that impugned order which is still pending. Since the subject-matter of the appeal is directly connected with the present application namely, GA/5/2022 there may



be conflicting judgments or decisions if the petition is heard and order passed. On this ground, the Learned Counsel for the defendant seeks for adjournment and submitted that the defendant cannot be blamed for delay.

I have heard both the sides.

Although previous application filed under Order 7 Rule 11 is not placed before this Court today, I have perused the previous order passed by the Coordinate Bench. Since, the Appellate Court is in seisin of the matter which is directly and substantially in issue in the present application, it is proper that hearing of the application should be adjourned till disposal of the appeal. Let the matter go out of the list. It may appear in the list on mentioning.

(SUGATO MAJUMDAR, J.)