

05.02.2021
Court No. 19
Item No.31
CP

C.O. 2873 of 2019
with
CAN 1 of 2020 (Old No. CAN 1375 of
2020)

Jagannath Ghosh
vs.
Tapan Kumar Ghosh & ors.

Mr. Prabir Kumar Choudhury
Mr. A. Chakraborty

....for the petitioner.

CAN 1375 of 2020 is arising out of a disposed of revisional application being C.O. 2873 of 2019. C.O. 2873 of 2019 was disposed of by another coordinate Bench of this court. The learned coordinate Bench dismissed the revisional application on merits holding that the order passed in Misc. Appeal 61 of 2016 did not suffer from any infirmity. As the revisional application was dismissed on merits, further clarifications of this order cannot be done.

The nature of clarifications sought for by filing this application is that the observations in the Misc. Appeal shall not affect the merits of the suit. This order, if passed, will amount to modifying the order already passed by a learned Judge. In any event, it is an established principle that observations made by

court in interlocutory proceedings are tentative in nature. As such, this application is not maintainable and hence dismissed.

(Shampa Sarkar, J.)