

24-01-2020
Court No.3
(AJ/Sandip)
SI/07.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 81 OF 2019

**Smt. Parmeshwari Sharma
Vs.
Sri Manoj Gupta & Anr.**

Mr. Partho Sarathi Deb Barman,
Ms. Jeenia Rudra.

. . .For the Petitioner.

Affidavit-of-service filed in Court today be kept with the records.

The petitioner is the defendant in the connected suit and had filed an application under Order VII Rule 11 of the Code of Civil Procedure for rejection of the plaint of the said suit.

The learned Trial Judge by the Order No. 9 dated September 17, 2019 dismissed the said application.

The petitioner aggrieved by the said order has preferred a revisional application under Section 115A of the Code which is pending before the learned District Judge at Jalpaiguri being Civil Revision Case No. 04 of 2019.

The petitioner by the present application under Article 227 of the Constitution of India is challenging the order dated September 21, 2019 and Order dated September 23, 2019 passed in the said revisional application.

The revisional Court below by the order dated September 21, 2019 has only recorded filing of certified copy of the order of the learned Trial Judge, Court Fees and photocopies of some documents and by the subsequent order dated September 23, 2019 has admitted the said revisional application and caused issuance of notice to the opposite parties.

Mr. Deb Barman, learned senior Counsel appearing on behalf of the petitioner submits that the grievance of the petitioner is that the learned District Judge although has admitted the revisional application by the order dated September 23, 2019 but has not called for the Lower Court Records.

C.O. 81 of 2019 is disposed of with a liberty to the petitioner to approach the learned District Judge, Jalpaiguri or to any other Court where the said revisional application is now pending for an appropriate order for calling the Lower Court Records.

With the above, C.O. 81 of 2019 is disposed of.

No order as to costs.

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.)