

03.02.2021
Court No. 19
Item No.15
CP

C.O. 230 of 2021

Ashok Sarkar
vs.
Sri Goutam Biswas & ors.

Mr. Sandip Ghosh
Mr. Partha Sarkar

....for the petitioner.

Although the order impugned arises out of rejection of an application under Section 151 of the CPC, in fact the application was in the nature of an application under Order 39 Rule 4 of the CPC praying for vacating the ad-interim order of injunction on the grounds stated therein. The order is an appealable order in terms of Order 43(r) of the CPC.

Therefore, this revisional application is treated to be dismissed as 'withdrawn'.

The petitioner is directed to file appropriate appeal in accordance with law before the appropriate forum. The petitioner is granted liberty to take back the certified copy of the order impugned upon furnishing a photocopy thereof.

(Shampa Sarkar, J.)