

17.12.2021
Sl. No.42
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

RVW 27 of 2021
with
CAN 1 of 2021

Mamoni Maity & Ors.
Vs.
Umesh Maity & Ors.

Mr. Debjit Mukherjee,
Mrs. Susmita Chatterjee
Mr. K. Bhattacharya

....for the applicants.

Mr. Bikram Banerjee,
Mr. Dipa Acharyya
Mr. Sutirtha Nayek

....for writ petitioner/respondent no.1.

Mr. Partha Sarathi Basu

....for WBSEDCL.

After going through the grounds contained in the memo of review and the connected application filed therein, I find that there is no grounds made out as required under Order XLVII of the Code of Civil Procedure, 1908 for maintaining the review. The only ground on which the review has been filed is that in the writ petition, being WPA 11047 of 2020, wherein the order under review, being dated 8th February, 2021 was passed, the writ petitioner had suppressed about a civil suit being filed by the review applicants prior to passing of the said order and that too having specific knowledge thereof.

It is submitted on behalf of the writ petitioner that he was not aware about the civil suit on the date when

the writ petition was affirmed as also on the date of passing of the order. Subsequent to passing of the order dated 8th February, 2021, the writ petitioner became aware of the suit and is contesting the said civil suit filed by the review applicants.

It is also an admitted fact that the electricity connection has been given to the writ petition in compliance with the order dated 8th February, 2021. Assuming without admitting that the pendency was suppressed the fact of filing of the suit in the writ petition, then also the order would not have been different for the pendency of the civil suit. The alleged suppression is not a material one to disentitle the writ petitioner from obtaining the order dated 8th February, 2021.

Be that as it may, the review application does not attract any of the grounds analogous to the grounds enumerated under Order XLVII of the Code of Civil Procedure, 1908.

The review petition is accordingly disposed of without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)