

S/L 12
26.02.2021
Court. No. 19
GB

C.O. 1183 of 2019

Smt. Sakuntala Devi nee Gupta
Vs.
Shyam Sundar Shaw (Halwai) & Ors.

(Through Video Conference)

Mr. Amaln Jyoti Sengupta,
Mr. Rahul Sengupta.

...for the Petitioner.

Mr. Debasis Sur.

...for the Opposite Parties.

This revisional application has been filed challenging the order dated February 6, 2019, by which the learned Civil Judge (Senior Division), 1st Court at Barasat rejecting an application under Section 151 of the Code of Civil Procedure. The said application was filed by the petitioner, one of the parties to a compromise decree arising out of a partition suit, for recalling of the decree on the ground that the said decree was obtained by misleading the court and by forging her signature namely Sakuntala Devi alias Gupta.

The learned court below held that the decree having been drawn up in its final form, could not be recalled by way of an application under Section 151 of the Code of Civil Procedure. Further, the learned court below was not satisfied with the identity of Sakuntala Devi/petitioner to be the daughter of Late Purushottam Shaw.

I do not find any illegality in the order impugned. The petitioner is at liberty to file appropriate proceeding before the learned court below or before any other forum in accordance with law.

This Court has not gone into the merits of the contentions of the petitioner and the same should be decided in a separate proceeding.

The revisional application is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)