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2021

C.O. No.1163 of 2021

(Via Video Conference)

Nantu Lal Das
Versus
Anjali Estates and Developers and another

Mr. Debdutta Sen,
Ms. Suchishmia Chatterjee,
Mr. Prasun Ghosh.
...for the petitioner.

Mr. Ashok Kuamar Banerjee,
Mr. Debanjan Mukherjee,
Ms. Labanyasree Sinha,
Mr. Subhojit Roy.
...for the opposite parties.

A preliminary objection is taken by learned senior counsel appearing for the opposite parties as regards the maintainability of the present revisional application, in view of the impugned order, rejecting a plaint, being a deemed decree under Section 2 of the Code of Civil Procedure and hence appellable.

Upon hearing both sides on such issue, it is found that the preliminary objection ought to be sustained since, undoubtedly, the impugned order is an appellable one.

Accordingly, C.O. No.1163 of 2021 is dismissed as not maintainable with liberty to the petitioner to approach the appropriate forum with a properly constituted appeal.

It is made clear that the merits of the matter have not been gone into at all and it will open to both sides to raise all contentions before the appropriate appellate court.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)