

(19)
08.09.2021
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

(Via Video Conference)

CO No. 1513 of 2021

Smt. Mali Sarkar

-versus-

Smt. Deepannita Dutta & ors.

Mr. Mani Sankar Chattopadhyay,

Mr. Souraghya Chatterjee,

... for the petitioner.

The learned Trial Judge by the order impugned has dismissed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure filed by the plaintiff/petitioner in Title Suit No. 89 of 2020. The said order being appealable under Order XLIII Rule (1)(r) of the Code, the revisional application is not maintainable.

Mr. Mani Sankar Chattopadhyay, learned counsel for the petitioner, contends that the present application is directed against the last part of the order granting liberty to the plaintiff to withdraw the suit. The said part of the order is also appealable under Order XLIII Rule (1)(a) of the Code being an order under Order VII Rule 10 of the Code, therefore, the present revisional application is not maintainable on the said score also.

C.O. 1513 of 2020 is accordingly dismissed without any order as to costs.

The petitioner is at liberty to take back the certified copy of the order impugned upon furnishing the photostat copy thereof.

Urgent photostat certified copy of this order, if applied for, be supplied to the party subject to compliance of all requisite formalities.

(Biswajit Basu, J.)