

10 28.04.
AG 2022
M/R
KB
Ct
07

C.O. 33 of 2022

**Jay Dev Dey
Vs
Samir Bhattacharjee & Ors**

Mr. Kushal Chatterjee,
Mr. Abir Lal Chakraborty,
... for the petitioners.

The subject matter of challenge in this revisional application is against the order of stay being granted by learned District Judge, Alipore, South 24 Parganas in Civil Revision No. 35 of 2019 arising out of Title Suit No. 12 of 2019, of learned Civil Judge (Junior Division), Additional Court, Sealdah.

Mr. Kushal Chatterjee, learned advocate appearing for the petitioner submits that learned District Judge, Alipore has no jurisdiction to entertain the revision, and to pass an order of stay by the impugned order.

Error of jurisdiction is the prime issue, as per submission disclosed in this case.

Such revisional application is pending at the moment.

The point now raises may be raised before the learned District Judge, Alipore in connection with pending revision, and if any such point is raised, pertaining to the maintainability of the revision that

shall be duly addressed to by the Court below, and resolve the same giving a decision in accordance with the provisions of law.

Accordingly, liberty is given to the petitioner to ensure his appearance in connection with the pending revision referred hereinabove, on the date, next fixed on 20th May, 2022.

This will not prevent the revisional Court to dispose of the revision in an expeditious matter.

With this direction and observation, the revisional application is thus disposed of.

(Subhasis Dasgupta, J)