

08.06.2022
Item No.11
Court No.18
AJ.

C.O. 1025 of 2018

Rampada Maity & Anr.
-Vs-
Sri Prahallad Maity & Ors.

Mr. Supriyo Chattopadhyay,
Mr. Samaresh Chandra Dhara.
.....for the petitioners.

Mr. Supriyo Chattopadhyay, learned advocate appearing on behalf of the petitioners submits that the order impugned being passed under Order XXXIX Rule 4 of the Code of Civil Procedure, an appeal lies against the order under Order XLIII Rule 1(r) of the Code.

In view of the aforesaid, C.O. 1025 of 2018 is dismissed as not maintainable without any order as to costs.

Liberty is granted to the learned advocate-on-record for the petitioners to take back the certified copy of the order impugned upon furnishing a photocopy thereof.

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

(Biswajit Basu, J.)