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Ct. 18
25.07.2022

C.O. No. 1079 of 2018
I.A. No : CAN 1 of 2021
Sri Abhijit Mitra
Vs.
Smt. Dipa Mitra (Ghosh)

Md. Shahjahan Hossain,
Ms. Sanjida Sultana ... For the petitioner.

Re : I.A. No : CAN 1 of 2021

This is an application for recalling of the order dated January 08, 2021 whereby the present revisional application was dismissed for default.

Perused the application.

It appears that the petitioner was prevented by sufficient cause from appearing before the Court when the matter was called on for hearing.

The order dated January 08, 2021 is therefore recalled.

C.O. 1079 of 2018 is restored to its original file and number.

I.A. No : CAN 1 of 2021 is disposed of without any order as to costs.

Re : C.O. 1079 of 2018

The petitioner in the present application under Article 227 of the Constitution of India has assailed the judgment and order passed in the Matrimonial Suit No. 227 of 2015 whereby the said suit was dismissed.

The revisional application is entirely misconceived.

Md. Shahjahan Hossain, learned advocate for the petitioner submits that the instant application against the said judgment and order has been filed by mistake and as

soon as the said mistake was detected, his client instructed him not to press the application.

He, however, prays leave to take back the certified copy of the impugned judgment.

C.O. 1079 of 2018 is dismissed as not maintainable without any order as to costs.

Liberty, however, is granted to the learned advocate for the petitioners to take back the certified copy of the judgment dated February 17, 2018 passed in the Matrimonial Suit No. 227 of 2015 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.)