

08.08.2022
Item No.21
Ct. No.7
CHC
(disposed of)

C.O.1712 of 2022

**Nasir Sheikh & ors.
Vs.
Mamlat Sheikh & anr.**

Md. Younush Mondal
...for the petitioners

The impugned order dated 2nd June, 2022, passed by learned Civil Judge (Junior Division), 2nd Court, at Krishnanagar, Nadia, in Title Suit No.84 of 2016 (1881-16) J.O. Code no. WB-01408, disposing of application under Section 151 C.P.C. thereby striking off the defence of the petitioners/defendants is under challenge in this case.

The court below by the order impugned simply implemented the direction contained in R.V.W.146 of 2019, arising out of C.O.481 of 2018 with observation made therein, which may be reproduced as hereinbelow:-

“In those circumstance this court finds that the review application is in gross abuse of process of law and liable to be dismissed with a cost assessed at Rs.11,000/- payable by defendants/Opposite party/applicant to the plaintiff, the said amount shall be paid within a period of 10 days from date in default whereof the defence of the

defendant in the suit is liable to struck off.”

Learned advocate appearing for the petitioners wants to deposit the costs, irrespective of the direction contained in R.V.W.146 of 2019, arising out of C.O.481 of 2018.

Upon perusal of the impugned order, it appears that C.O.481 of 2018, was disposed of on 11th July, 2019, the review application thereafter filed by the petitioners was also dismissed with a cost assessed at Rs.11,000/- payable by defendants to plaintiffs.

It further appears that SLP preferred before the Apex Court was also dismissed on 22nd April, 2022. The cost directed to be deposited within ten (10) days as per decision of R.V.W.146 of 2019, arising out of C.O.481 of 2018 could not be deposited. As the order impugned is purely to ensure compliance of the order passed by High Court in C.O.481 of 2018, read with R.V.W.146 of 2019, the impugned order does not call for any interference.

Petitioners are directed to make communication of this order to the learned court below as well as to the opposite parties and their learned advocate in the court below.

With this observation/direction, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)