

(23)
09.02.2022
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

(Via Video Conference)
CO No. 2447 of 2019

Kunal Pramanik
-versus-
Gobinda Chandra Pramanik & ors.

Mr. Soumyadeep Biswas,
... for the petitioner.

Mr. Soumyadeep Biswas, learned counsel appearing on behalf of the petitioner submits that the learned Trial Judge by the order impugned has varied and/or modified an order of injunction passed in the suit although on an application under Section 151 of the Code of Civil Procedure filed by the defendant no. 1, but such order since has been passed in exercise of power under Order XXXIX Rule 4 of the Code, appeal lies against the said order. He therefore, seeks to withdraw the present revisional application with liberty to take back the certified copy of the order impugned to assail it in appeal.

In view of the aforesaid, C.O. 2447 of 2019 is dismissed as withdrawn. There shall be no order as to costs.

Learned advocate-on-record for the petitioner is permitted to take back the certified copy of the order impugned upon furnishing a photocopy thereof.

It is made clear that this Court has not gone into the merit of the revisional application, the petitioner is free to assail the order impugned before appropriate Court in accordance with law.

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.)