

08.12.2022
KC(5)

F.M.A. 1320 of 2022
Ashok Kumar Gupta and Anr.
-versus-
Tara Gupta and Ors.
With
CAN 1 of 2022

Mr. Krishna Das Poddar,
Ms. Debaleena Chatterjee.....For the appellants.

Mr. Aniruddha Chatterjee,
Mr. Rahul Karmakar,
Mr. Abir Lal Chakravarti.....For the respondents.

Aggrieved by the order passed in a review application, the appellants prefer this appeal. The part of the order which is challenged before us relates to refusal by the learned court below to review the said part of its order.

The point of maintainability taken by Mr. Chatterjee, learned advocate for the respondents succeeds inasmuch as under Order XLI Rule 1(w) of the Code of Civil Procedure, an appeal lies only from an order granting an application for review.

Hence, this appeal and the connected application are dismissed with liberty to the appellants/petitioners to pursue their remedy, if any, against the impugned order before an appropriate jurisdiction.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)

