

(04)
12.05.2022
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO No. 4294 of 2019
(IA No: CAN 1 of 2022)

Ranjit Dutta & anr.
-versus-
Smt. Bratati Basu & anr.

Mr. Probal Kumar Halder,
Mr. Sudarsan Halder,
Ms. Champa Haldeer,
... for the petitioners.

Mr. Anjan Banerjee, ... for the O.P. No. 1.

The defendant nos. 1 and 2, aggrieved by part of the order no. 6 dated November 21, 2019 passed by the learned Civil Judge (Senior Division), Uluberia, District: Howrah in Title Suit No. 184 of 2019, have preferred the present application under Article 227 of the Constitution of India.

The petitioners are aggrieved by the part of the order impugned whereby the learned Trial Judge has dismissed an application filed by the petitioner praying deletion of schedule 'A' appended to the plaint.

Learned advocate for the plaintiff/opposite party no. 1 fairly submits that the said application requires a fresh hearing on merit as the same was dismissed even without giving a chance to the plaintiff to contest it.

The order rejecting the said application is not supported by any reason, moreover the parties

when are praying disposal of the said application on merit, the said part of the order impugned is set aside.

The learned Trial Judge is requested to decide the said application afresh in accordance with law after giving the plaintiff an opportunity to file written objection to the said application.

C.O. 4294 of 2019 is disposed of with the above terms without any order as to costs.

In view of disposal of the revisional application, the connected application for modification and/or variation of the said interim order passed in the present revisional application being IA No: CAN 1 of 2022 has become infructuous and is dismissed accordingly.

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

(Biswajit Basu, J.)