

12.
5.07.2022
S.D.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction**

C.O. 71 of 2022

**Unknown Friends Club
Vs.
Sri Gouranga Sarkar & Ors.**

Mr. Saumyajyoti Dutta
...for the petitioner.

Learned advocate moves the application under Article 227 of the Constitution assailing order dated 29.4.2022 passed by learned Additional District Judge, Mekhliganj, CoochBehar of Misc. Case No. 1 of 2016.

It is submitted by learned advocate that the application under Section 151 of the Code of Civil Procedure filed by respondent no. 8 therein for a direction upon the petitioner to issue notice upon the legal heirs of deceased Narayan Chandra Das, before hearing the petition under Section 5 of the Limitation Act was disposed of with the observations that sending of notice or summons at that stage would amount to setting aside the abatement on the death of Narayan Chandra Das.

Considered the submissions.

I find that there is no prima facie material to admit this application as none of the legal heirs of Narayan Chandra Das has come before this Court challenging the said order. Petitioner is bereft of reasons as to what *locus standi* the club has to prefer the civil revision before this Court contending that no notice have been served upon the legal heirs of Narayan Chandra Das for setting aside his abatement.

The revisional application is, therefore, dismissed in *limine*.

Let a copy of this order be communicated to learned Additional District Judge, Mekhliganj for information.

(Ananda Kumar Mukherjee, J.)