

21.09.2023
Sl. No.201(DL)
srm

C.O. No. 1016 of 2023
Pankaj Kumar Samanta
Versus
Raj Kumar Jana

Mr. Anit Rakshit,
Mr. Joyak Gupta,
Mr. Souvik Maji

...for the Petitioner.

Mr. Debdatta Sen,
Mr. Tanmay Mukherjee,
Mrs. Ledia Dasgupta

...for the Opposite Party.

Considering the order impugned dated January 4, 2023 passed by the learned Judge, 5th Bench, Presidency Small Cause Court at Calcutta, in Misc. Case No.64 of 2022 arising out of Ejectment Execution Case No.156 of 2013, this Court is of the view that the learned court below erred in dismissing the application for condonation of delay in filing the application under Section 47 of the Code of Civil Procedure on a technical ground. Each and every days limitation need not be explained. The explanation set forth is sufficient.

The order impugned is set aside.

Misc. Case No.64 of 2022 is registered. The delay of 72 days in filing the misc. case is condoned.

The learned court below is directed to dispose of Misc. Case No.64 of 2022 within a period of three months from the date of communication of this order upon allowing all parties to file their written objections to the same. It is made clear that the application under Section 47 of the Code of Civil Procedure will be heard first.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)