

21.6.2023

ct. 236

sk,sl. 8

C.O. 1714 of 2014

Sahajalal Molla & Ors.-vs- Ayeb Khan & Ors.

None appears on behalf of either of the parties.

The Hon'ble Supreme Court in Robin Thapa
Vs Rohit Dora, reported in AIR 2019 S.C.C. 3225
held that:

“8 Ordinarily a litigation is based on adjudication on the merits of the contentions of the parties. Litigation should not be terminated by default, either of the plaintiff or the defendant. The cause of justice does require that as far as possible, adjudication be done on merits”.

I have perused the materials available with the record.

This revisional application challenges the order dated 13th May, 2014 passed by the learned Civil Judge Senior Division at Baruiapur in Misc. Appeal No. 15 of 2014, arising out of Title Suit No. 63 of 2014.

By the impugned order, learned trial court was pleased to refuse the prayer for ad interim injunction as the plaintiffs/petitioners failed to make out a prima facie case.

In my opinion, the impugned order does not warrant any interference particularly when there is nothing to hold that the learned Civil Judge, Senior

Division at Baruipur failed to exercise the jurisdiction vested in it.

The order impugned does not merit any further consideration. Consequently, the civil revision is dismissed, however, without cost.

(Siddhartha Roy Chowdhury,J)