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C.O. 2477 of 2022

**Rathindra Kumar Chakraborty
Vs
Bhaskar Chakraborty & Ors**

Mr. Alope Chatterjee,
Mr. J. Rakshit,
Mr. Partha Chakraborty,

... For the petitioner.

The petitioner is aggrieved with the order dated 21st May, 2022 passed by learned Additional District & Sessions Judge, 1st Court, Serampore, Hooghly in Probate Case No. 10 of 2014 directing the petitioner to file an application under Order 7 Rule 10A read with Section 151 CPC.

Learned advocate appearing for the petitioner disputes with the impugned order submitting that there cannot be any such direction passed by the Court below directing the petitioner to file an application to get the pleadings returned in application of the provisions available under Order 7 Rule 10 A CPC.

Upon perusal of the impugned order, it appears that the Court below has not formed any opinion as yet, that the plaint should be returned.

In the absence of forming any opinion, the legality of the impugned order cannot be challenged before this Court, even in application of Article 227 of the Constitution of India.

Petitioner is at his liberty to file the application as directed by the Court below, together with any other application in justification of the stand, which the petitioner now raises in order to get the Court below convinced in accordance with law.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)