

06.09.2023
Court No. 19
Item no.05
CP

C.O. No. 3128 of 2023

Sri Krishna Chandra Das & anr.

Vs.

The Chairman, Santipur Municipality & ors.

Mr. Abdur Rakib
Mr. Biswajit Sarkar
Ms. Oindrila Ghosh

.....for the petitioners.

Order dated July 17, 2023, passed by the learned Civil Judge (Junior Division), 2nd Court at Ranaghat, Nadia in connection with Misc. Appeal No. 01 of 2022 is the subject matter of challenge in this revisional application.

The revisional application is not entertained as the petitioners' proper remedy would have been to file an application under Order 41 Rule 19 of the Code of Civil Procedure for readmission of the appeal, which was dismissed for default.

The petitioners are granted liberty to take appropriate steps before the learned lower appellate court. The learned lower appellate court shall decide the issue of restoration as also the prayer for re-imposition of the ad interim order, in accordance with law and urgently, as the petitioners are facing an order of demolition.

The revisional application is accordingly disposed of. There shall be no order as to costs.

The petitioners will be at liberty to produce this order before the authorities who have notified about the demolition.

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

(Shampa Sarkar, J.)