

C.O. 2509 of 2014

In the matter of : Pradyot Kumar Manna

As usual, none is appearing on behalf of the petitioner.

In view of the mandate of Hon'ble Supreme Court given
in the case of **Robin Thapa vs. Rohit Dora** reported in **AIR**
2019 SCC 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."

Under such circumstances, I am inclined to dispose of
the application on merit.

This revisional application under Article 227 of the Constitution of India challenges the order dated 23.4.2014 passed by the learned Civil Judge, Senior Division, 2nd Court, Howrah in Misc. Appeal No. 280 of 2012 challenging the order of ad interim injunction passed by the learned Civil Judge, Junior Division, 5th Court, Howrah in Title Suit No. 212 of 2012. By the impugned order learned Appellate Court was pleased to affirm the order passed by the learned Trial Court while disposing of the prayer for ad interim injunction with the observation that the plaintiff has failed to make out prima facie case. This revisional jurisdiction conferred under Article 227 of the Constitution of India is not meant to see correctness of the order impugned. The only point to be considered is whether the judgement impugned is perverse or suffers from jurisdictional error. Looking at the order

impugned, I do not find either of the two elements to interfere with the order passed by the learned Appellate Court.

The revisional application does not merit any consideration and stands dismissed.

Interim order of stay, if any, stands vacated.

Let a copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)