

Item-12. 31-03-2023

sg Ct. 8

RVW 210 of 2022

In

SAT 445 of 2016

CAN 4 of 2022

Saraswati Guha Majumdar & Ors.

Versus

Gopal Dutta & Ors.

Mr. Debasis Sur, Adv.

Mr. Angsuman Patra, Adv.

Mr. Hare Krishna Halder, Adv.

...for the appellants

Mr. Arup Mandal, Adv.

...for the respondents

We have carefully read the grounds of review.

The learned Counsel for the review applicants has fairly submitted that no cross-appeal has been filed against the judgement of the learned Trial Court with regard to counter claim.

The said appeal, by passage of time, has now become time barred. All the grounds taken in the review application have been considered by us. However we must point out that the ground no.5 was not argued before us but we have taken into consideration this claim for continuous long possession and permissive accommodation thereby perfecting its title.

It is trite law that under the garb of review, a litigant cannot seek rehearing of the appeal on merits. In our view, it is an attempt for rehearing of the appeal that was decided and disposed of on merits on consideration of all the points raised and argued before us.

However, we have noticed a small typographical error in the order dated 8th September, 2022. In the second last line of the continuing paragraph at page 4 of the said judgment the word

“and” should be deleted.

This correction shall be incorporated in the order dated 8th September, 2022.

The server copy of the order dated 8th September, 2022 shall also be corrected accordingly.

The review application being RVW 210 of 2022 is disposed of with the aforesaid correction.

The application being CAN 4 of 2022 is also disposed of.

(Uday Kumar, J.)

(Soumen Sen, J.)