

11.7.2023

ct. 236

sk,sl. 16

C.O. 2773 of 2014

Sankar Ghosh & Anr.-vs-Ashok Kumar Banerjee & Ors.

None is appearing on behalf of the petitioner. The opposite party is also not represented.

The matter is pending since 2014.

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”.

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

This revisional application challenges the order passed by the learned Civil Judge, (Junior Division), 3rd Court, Diamond Harbour, South 24-Parganas. By the impugned order, the learned trial court allowed the petitioner under Order 6 Rule 17 of the Code of Civil Procedure filed by the plaintiff with cost as well as liberty was given to the defendant to file additional written statement. There is nothing to hold that the order impugned is

otherwise perverse or learned trial court failed to exercise jurisdiction vested in it.

The order impugned will not cause prejudice to the defendant/petitioner in any manner. The order impugned does not warrant any interference.

This revisional application is bereft of merit and is dismissed, however, without cost.

Interim order, if any, stands vacated.

Let a copy of this order be sent down to the learned trial court forthwith.

(Siddhartha Roy Chowdhury, J)