

21.6.2023

ct. 236

sk,sl. 14

C.O. 3837 of 2014

In the matter of : Basanti Mata Thakurani
Repd. By Krishnapada Sardar & Anr.

None appears on behalf of the petitioners.

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”.

This application under Article 227 of the Constitution of India challenges the Order No. 39 dated 15.9.2014 passed by the learned Civil Judge, Junior Division, 3rd Court at Diamond Harbour, District South-24 Parganas in Title Suit No. 129 of 2012.

By the impugned order, the learned trial court granted leave to the defendant to undertake the repair work of the room as stated in the petition under consideration.

Though an application for adjournment was filed, the plaintiff did not move the petition, as a result by the same order the learned trial court

sought for an explanation from the plaintiff for his inaction which could lead to dismissal of the suit.

The order does not indicate that the learned trial court has failed to exercise the jurisdiction vested in it.

The revisional application is bereft of merit and is dismissed.

(Siddhartha Roy Chowdhury, J)