

17.7.2023
ct. 236
sk,sl. 22

C.O. 3963 of 2014

In the matter of : Biswajit Chatterjee

None is appearing on behalf of the petitioner.

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”.

Hence I am inclined to dispose of application on merit, based on materials available with the record.

This revisional application impeaches the Order No. 35 dated 19.9.2014 passed by learned District Judge, Burdwan in Misc. Case No. 30 of 2012, rejecting thereby the petition under Section 151 of the Code of Civil Procedure filed by the petitioner seeking leave to visit the minor with his parents after modification of the Order No. 24 passed by learned trial court.

The said Order No. 24 has been challenged before the court by the opposite party, Baishali

Acharya. Therefore, learned trial court was absolutely justified in dismissing the petition, as the order sought to be modified, was placed before the High Court for scrutiny.

The impugned order does not warrant any interference.

The revisional application is dismissed, however, without cost.

Let a copy of this order be sent down to the learned trial court for information and necessary action.

(Siddhartha Roy Chowdhury, J)