

21.6.2023
ct. 236
sk,sl. 30

C.O. 3987 of 2014

Kamala Kanta Mahato-vs-Parikshit Mahato

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 revisional application under Article 227 of the Constitution of India challenges the order dated 12th November, 2014 passed by the learned Additional Sessions Judge, 1st Court, Purulia in Misc. Case No. 34 of 2012 arising out of Estate Acquisition Appeal Case No. 4 of 1975.

By the impugned order, the learned First Appellate Court was pleased to direct the Assistant Settlement Officer, Jhalda to appear before the court personally to explain his inaction towards the compliance of the direction given by the court.

The petitioners and not the Assistant Settlement Officer, Jhalda challenged the order.

The order impugned does not warrant any interference. There is nothing to indicate that learned Additional Sessions Judge, 1st Court, Purulia failed to exercise the jurisdiction vested in it.

The revisional application is devoid upon merit and is dismissed.

(Siddhartha Roy Chowdhury, J)