

06-04-2023
Court No.2
Sh/25.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

C.O. 19 OF 2023

**Sibasish Mitra & Ors.
Vs.
Abad Hossain & Ors.**

Mr. Anupam Chakraborty,
Mr. Hillol Saha Podar.
..For the Petitioner.

This is a civil revisional application filed under Article 227 of the Constitution of India.

From the endorsement made by the Registry it appeared that no caveat was lodged.

The order impugned is dated July 6, 2022 passed by the Learned Civil Judge, Junior Division, Jalpaiguri in Title Suit No.240/2021.

At the threshold it appeared that, the impugned order was passed in an application for injunction filed by the plaintiff/petitioner under the provisions of **Order XXIX Rules 1 and 2 of the Code of Civil Procedure, 1908.**

Under the provision of **Order XLIII Rule 1 (r)**, such an order is appealable.

It is trite that no revision shall lie even in exercise of power under Article 227 of the Constitution of India from such an appealable order.

In view of the above, this revisional application is not maintainable. Thus, this application, **C.O. 19 of 2023** stands dismissed, without any order as to costs.

However, it is made clear that this Court has not gone into the merits of the claim of the petitioner.

All points are kept open to the petitioner to agitate in an appropriate proceeding in accordance with law.

(ANIRUDDHA ROY, J.)