

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

RVWO 34 OF 2022
IA NO. GA 1 OF 2022
WITH
CS 23 OF 2021

IN THE MATTERS OF:
MICKY METALS LIMITED
VS.
SUDIP TEWARY

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 19th May, 2023.

Appearance:-
Mr. Rupak Ghosh, Adv.
Mr. Debraj Sahu, Adv.
Mr. Abhijit Sarkar, Adv.
For the plaintiff
Mr. Rahul Karmakar, Adv.
Mr. Asif Sohail Tarafdar, Adv.
Mr. Rishabh Ahmad Khan, Adv.
Defendant/petitioner

THIS COURT: This is an application for review of the judgment and order dated 15th November, 2022 passed in IA GA No.5 of 2022 filed in CS 23 of 2021. The said judgment and order was passed after a contested hearing.

The defendant prayed for review of the judgment and order on the ground that there are important and new matters of evidence which after exercise of due diligence was not within the knowledge of the defendant and, as such, could not be produced at the time when the judgment and order under review was passed.

Initially on 21st December, 2022 a stay of a portion of the judgment and order dated 15th November, 2022 was passed so that in view of the default on the part of the defendant in securing the amount directed as per the judgment and order dated 15th November, 2022 did not tantamount to an automatic decree.

The matter was thereafter heard from time to time.

After hearing the parties and considering the materials on record, I do not find that the grounds on which review is sought for is either on account of discovery of due and important matters or evidence which after exercise of due diligence was not within the knowledge of the defendant at the time when the judgment and order under review was passed or could not be produced by the defendant for any other reason. There is no additional evidence adduced to prima facie persuade this Court to form a different opinion than that formed while passing the judgment and order dated 15th November, 2022. There is no mistake or apparent error on the face of record which persuades this Court to change its view as expressed in the judgment and order dated 15th November, 2022. There are no other reasons which can be construed to be sufficient to entitle the defendant to obtain a review of the judgment and order.

In the facts and circumstances as aforesaid, the review application being RVWO 34 of 2022 along with connected application being GA 1 of 2022 filed in connection with the judgment and order dated 15th November, 2022 passed in IA GA No. 5 of 2022 in CS 23 of 2021 is dismissed.

The interim order stands vacated.

(ARINDAM MUKHERJEE, J.)