

08 **25.09.
2024**

Ct. No. 08

Ab

CO 1511 of 2024

**Ajit Mahato @ Ajit Prasad Mahata
Vs.
Durgadas Gorain and another.**

**Mr. Ujjal Ray,
Mr. Ivan Roy,
Ms. Nirupam Dutta.**

... for the petitioner.

The instant revisional application is filed assailing an order no. 154 dated 21st March 2024 passed by the learned Civil Judge (Junior Division) Purulia in Miscellaneous Case No. 43 of 2018 by which an application under Order XXI Rule 97, 98, 100 and 101 of the Code of Civil Procedure is rejected.

In view of the Rule 103 of Order XXI of the Code, an order under Order I Rule 101 of the Code is regarded as deemed decree and, therefore, an appeal lies.

The revisional application is, thus, not maintainable. The same is dismissed as 'not maintainable'.

However, it will not prevent the petitioner to challenge the selfsame order before the appropriate forum.

The Assistant Court Officer is directed to return the certified copy of the impugned order annexed with the revisional application to the learned Advocate-on-Record of the petitioner upon replacement with photocopy thereof.

(Harish Tandon, J.)

