

24.07.2024
Item No.10, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2485 of 2024

**Sri Swarup Das
-Vs-
Smt. Tapati Das & Anr.**

Mr. Abhijit Ray,
Mr. Santu Nandy,
Mr. Sirshendu Bikash Pal.
.....for the petitioner.

Mr. Sounak Bhattacharya,
Mr. Anirban Saha Roy,
Mr. Sounak Mandal,
Ms. Chandrima Roy.
.....for the opposite parties.

The defendant no.1 in a suit for declaration is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against the Order No.50 dated June 28, 2024 passed by the learned Judge, 13th Bench, City Civil Court at Calcutta in the said suit being Title Suit No.766 of 2018.

The learned Trial Judge, by the order impugned has allowed an application under Order XXXIX Rule 7 of the Code of Civil Procedure filed by the plaintiffs/opposite parties.

It appears that in the order impugned, the consent of the petitioner in allowing the said application has been recorded.

Mr. Ray, learned Advocate for the petitioner disputes the recording of such consent of his client in the order impugned.

The law is well-settled that the party, if intends to dispute the recording of consent in any order, (s)he is required to approach the Court where such consent was recorded.

In view of such, C.O. 2485 of 2024 is disposed of by granting liberty to the petitioner to approach the learned Trial Judge to raise dispute with regard to the recording of his such consent.

There shall be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)