

4th March, 2024
(D/L No.24)
(SKB)

C.O.2515 of 2023

Sri Dilip Roy and others
Versus
Smt. Monika Roy and others

Mr. Souvik Das,
Mr. Rudranil Das
... for the defendant nos.1 to
7/petitioners.

Mr. Sreekumar Chakraborty
... for the plaintiffs/opposite parties.

The order dated June 12, 2023 passed by the learned Civil Judge (Sr. Division) 3rd Court at Howrah in Title Execution Case No.04 of 2023 is under challenge before this court.

The said order was passed by the learned Civil Judge (Senior Division) 3rd Court, Howrah while rejecting an application under Section 151 of the Code of Civil Procedure filed on behalf of the judgment-debtor nos.1 to 7, in the execution proceeding. It appears that by the application under Section 151 of the Code of Civil Procedure, the petitioners prayed for recalling of an order passed in the Title Suit No.120 of 2017. By the said order, which was sought to be recalled, the learned court had accepted the Partition Commissioner's report. The final decree has been passed. Admittedly, there is no challenge to the final decree which was passed, based on the Partition Commissioner's report.

Under such circumstances, the order impugned does not call for any interference. The application under Section 151 of the Code of Civil Procedure was misconceived.

The revisional application being C.O.2515 of 2023 is dismissed.

(Shampa Sarkar, J.)