

19.01.2024  
Item No.91  
Ct. No. 7  
KS

**C.O. 3510 of 2023**  
**Sandhya Banerjee & Ors.**  
**Vs.**  
**Minati Hazra & Ors.**

Mr. Abhishek Banerjee

.....for the petitioners

Mr. Nilanjan Bhattacharjee

Mr. Abhilash Chatterjee

.....for the O.P./Caveator

1. None appears for the petitioners at the time of call. No accommodation has been sought for either.
2. Mr. Bhattacharjee, learned advocate appears for the Caveator and submits that this revisional application is not maintainable as the order impugned is an appealable one.
3. The order allowing an application under Order 39 Rule 4 of the Code of Civil Procedure is under challenge in this application under Article 227 of the Constitution of India. Such an order being an appealable one, this Court is not inclined to entertain this application under Article 227 of the Constitution of India.
4. In view thereof, C.O. 3510 of 2023 is dismissed as not maintainable.

5. The petitioners will be at liberty to approach before the appropriate forum on the self same cause of action in accordance with law. Liberty is given to the learned advocate on record of the petitioners to take back the certified copy of the order impugned upon replacing the same with a photocopy thereof.
6. There shall be however, no order as to costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(Hiranmay Bhattacharyya, J.)**