

AD-19
Ct No.01
Jalpaiguri
26.07.2024
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

SAT 13 of 2023
IA NO: CAN /1/ 2024

OM PRAKASH CHANDAK
VS
DULALI CHAKI AND ORS.

Mr. Bhaskar Roy Mahashay, Adv.
Ms. Sarridhya Dutta, Adv.

.....for the petitioner

1. The present appeal has been filed against an order whereby a title appeal filed against an order of rejection of an execution case on the ground of limitation was turned down, also on the ground of limitation.
2. We are of the opinion that the parent order of the Executing Court was revisable.
3. As such, since the revisional Court dismissed the same, the remedy of the petitioner lay in filing an application under Article 227 of the Constitution of India against the revisional court's order and not by way of a second appeal.
4. Accordingly, SAT 13 of 2023 is dismissed as not maintainable with liberty to the appellant to

prefer a proper revisional application under Article 227 of the Constitution of India at the earliest.

5. It is made clear that since the appellant himself was a layman and apparently was misguided, the Court which will take up the revision under Article 227 of the Constitution shall consider whether the benefit of Section 14 of the Limitation Act can be extended to the appellant.
6. The certified copies of the impugned judgment/order be returned to the learned advocate on record for the appellant upon furnishing duly certified photostat copies thereof for retention in the court files.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)