

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

IA NO: GA-COM/1/2024
RVWO/25/2024
WITH
APDT/2/2024
CS/70/2022

SANJAY KUMAR AGARWAL
VS
SANJAY KUMAR SATISH KUMAR

(Commercial Division)

BEFORE

The Hon'ble Justice I.P. MUKERJI

-And-

The Hon'ble Justice BISWAROOP CHOWDHURY

Date: 7th August, 2024

Mr. K.C. Garg, Adv.
...for the applicant.

Mr. Rupak Ghosh with
Mr. Pradip Kr. Ghosh,
Mr. Bidish Ghosh &
Mr. Chandan Mondal, Advs.
...for the opposite parties.

The presentation form for the memorandum of review is dated 24th May, 2024 whereas the presentation form asking for stay of operation of the order dated 6th May, 2024 of which review is sought is dated 24th July, 2024.

It appears that there is an alphabetical error in the cause title. In the judgement and order dated 6th May, 2024, the respondent is described as "Sanjay Kumar Satish Kumar". It ought to have been "Sajjan Kumar Satish Kumar". The records, particularly the cause title and appearance part of the said judgement and order clearly show that Mr. K.C. Garg and Ms. Sunita Agarwal, advocates had appeared for the respondent. It follows that they were fully conscious of the spelling mistake in the cause title, but there was no mistake regarding the identity of their client. Arguments were made assuming Sajjan Kumar Satish Kumar to be the respondent.

The review application is proposed to be moved today.

Now, after three months after the order, effort to set it at naught, was made on the most untenable ground that Sajjan Kumar Satish Kumar were not parties to the appeal, were not heard and no order could have been passed against them. It is not only most absurd but most mischievous in nature.

We dismiss the review application (RVWO/25/2024) along with the application (GA-COM/1/2024).

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)