

28.03.2025
Court No. 36
Sl. No. 12
Cp

RVW/73/2024
with
CAN/1/2024,
CAN/2/2024
in
CO/2938/2023

BISHNU PADA MISHRA & ORS.
VS
DILIP KUMAR MISHRA & ORS.

Mr. Rupayan Deb
Ms. Priya Nandy

..... for the Petitioners.

Re: CAN 1 of 2024

The application being CAN 1 of 2042 is an application for condonation of delay under Section 5 of the Limitation Act.

It is contended by the learned advocate appearing on behalf of the petitioners that there is approximately 110 days delay in filing the review application.

Sufficient cause is shown for the delay in preferring the review application. The delay in preferring the review application is condoned.

I admit the review application (RVW 73 of 2024) by allowing the application under Section 5 of the Limitation Act, 1963 (CAN 1 of 2024).

Re: RVW 73 of 2024

This is an application for review of an order dated September 26, 2023, passed in C.O. 2938 of 2023. The petitioners prayed for transfer of the Title Suit No. 133 of 2013 from the court of learned Civil Judge (Senior Division), 2nd Court Haldia to any competent court at Tamluk.

The prayer was rejected on the ground that documents had not been produced before the court, which would indicate that the defendants, who are 89 in number, had resisted the petitioners from entering the court compound. Secondly, the allegation that the son-in-law of the petitioner no. 1 had joined hands with the other defendants and was influencing them thereby creating difficulty for the petitioners, was vague and not backed by any supporting reasons. These grounds for transfer of a suit of 2013, was not found tenable. The court rejected the prayer upon holding that the suit which was being tried since 2013, could not suddenly be transferred on such unconvincing grounds. It was also observed that the suit had been fixed for ex parte arguments.

Under such circumstances, this court does not find any reason to review the order, as the petitioners have not come up with any further development or change in circumstances which would necessitate a review.

The review application is accordingly dismissed.

With such dismissal of the review application, connected application being CAN 2 of 2024 (an application for stay) is also dismissed.

(Shampa Sarkar, J.)