

Court No. 6
(265719)

27.03.2025
(AD 20)
(S. Banerjee)

CO 1053 of 2025

Supriya Chatterjee
Vs.
Sutapa Roy & Ors.

Ms. Arundhati Roy Barman
Mr. Biswajit Chowdhury

...for the petitioner

On the prayer of the learned advocate for the petitioner, leave is granted to the learned advocate on record of the petitioner to amend the recital part of the civil revision application here and now.

This application under Article 227 of the Constitution of India is directed against an order dated January 10, 2025 passed by the learned Civil Judge (Sr. Division) 4th Court at Alipore in Title Suit No. 1440 of 2023.

The learned advocate for the petitioner submits that the petitioner was enjoying an order of injunction. However, subsequently due to change of advocate, no step was taken for extension of such interim order which stood vacated.

The petitioner filed an application under Section 151 of the Code of Civil Procedure praying for extension of the order of injunction which was

rejected by the learned trial Judge. Though the application was captioned as one under Section 151 of the Code, the petitioner really sought for injunction under the provisions of Order 39 Orders 1 and 2 of the Code.

It is well settled that caption of an application is not material and the Court has to look into the substance of the same.

For such reason this Court is of the considered view that the order impugned is not a revisable order as the same is an appealable order in view of the provisions of Order 43 Rule 1(r) of the CPC.

Learned advocate for the petitioner prays for withdrawal of this application with liberty to approach the appropriate forum in accordance with law.

In the light of the submission of the learned advocate for the petitioner, CO 1053 of 2025 stands dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum.

Learned Advocate on record of the petitioner is permitted to take back the certified copy of the order impugned by replacing the same with a Photostat copy thereof.

(Hiranmay Bhattacharyya, J.)