

24.07.2025
Sl. No. 352
Ct No. 6
SG

**CO 1226 of 2025
CAN 1 of 2025**

**Amit Kumar Das Mahapatra
(Chowdhury) & Ors.
Vs
Asim Kumar Das
Mahapatra (Chowdhury) & Anr.**

Mrs. Usha Maiti,
Mr. Sukanta Das.

...for the petitioners

Re: CAN 1 of 2025

1. This is an application for restoration of the Civil Revisional Application by recalling order dated June 16, 2025.
2. After hearing the learned Advocates for the petitioner and upon considering the averments made in this application, this Court is of the considered view that petitioner was prevented by sufficient cause for not appearing when the Civil Revisional Application stood dismissed for default.
3. Accordingly, the order dated June 16, 2025 stands recalled. The civil revisional application stands restored to its original file and number.
4. Accordingly, CAN 2 of 2025 stands allowed.

Re: CO 1226 of 2025

5. This is an application under Article 227 of the Constitution of India at the instance of the plaintiffs

and is directed against an order being Order No. 22 dated 06.03.2025 passed by learned Civil Judge (Junior Division), Kharagpur, District Paschim Medinipur in Title Suit no. 188 of 2022. The plaintiff no. 7, namely, Aloka Bose expired on 17.02.2024. Petitioner herein took out an application under Order 22 Rule 9 of the Code of Civil Procedure praying for substitution of the heirs and legal representatives of the deceased plaintiff no. 7 after setting aside abatement.

6. Since the said application was filed beyond the prescribed period of limitation, an application under Section 5 of the Limitation Act was also filed along with such application. By the order impugned, the trial Judge recorded that the suit did not abate as a whole and the heirs may be brought on record in accordance with Order 22 Rule 3 Code of Civil Procedure.

7. There shall be an order of stay of all further proceedings in Title Suit no. 188 of 2022 pending before the learned Civil Judge (Junior Division), Kharagpur, District Paschim Medinipur till the end of the month of December, 2025 or until further orders, whichever is earlier.

8. Copy of the application be served upon the opposite party through Registered Speed Post with Acknowledgement due and affidavit-of-service be filed on the next date of hearing.

9. List the matter under the heading **‘Motion’** in the monthly list of November, 2025.

(Hiranmay Bhattacharyya, J.)