

January 13, 2025
Sl. No. A 42
Court No.5
s.biswas

CO 1350 of 2024

Prabir Kumar Mondal
vs.
Naba Kumar Mondal

Mr. Salil Kr. Maiti
Mr. Dyutiman Banerjee
Ms. Pinki Saha
Mr. Vishal Mallick

... for the petitioner

1. Challenging the order no.17 dated 1st June, 2023 passed in Title Suit No.103 of 2020 by the learned Civil Judge (Junior Division), Haldia, Purba Medinipur, allowing the application filed by the plaintiff for amendment of the plaint, under Order 6 Rule 17 of the Code of Civil Procedure, the instant revisional application has been filed.
2. It appears that the suit had proceeding ex parte as against the defendant when the application for amendment of the plaint had been allowed.
3. Mr. Banerjee, learned advocate appearing for the petitioner after arguing the matter for sometime would submit that his client is interested to defend the suit and is in the process of taking steps for removal of the suit from the ex parte board. He seeks leave to withdraw this application with liberty to apply before the learned court for recall of the order dated 1st

June, 2023, upon removal of the matter from the ex parte board.

4. Having heard the learned advocate for the petitioner, I am of the opinion that if the petitioner is interested to apply for removal of the suit from the ex parte board, the petitioner can very well do so. No separate leave for applying before the learned court is required.
5. Having regard thereto, let this matter stand dismissed as withdrawn. Dismissal of the aforesaid revisional application shall not stand in the way of the petitioner applying before the learned trial court, if the petitioner is otherwise entitled to in law.

(Raja Basu Chowdhury, J.)