

C.O. 1536 of 2024
Kamal Mandal
versus
Dhirendra Nath Mahata & Ors.

Mr. Samiran Giri

...For the petitioner

1. Mr. Giri, learned advocate appearing in support of the instant revisional application submits that the revisional application has been filed challenging the order dated 31st January 2024 rejecting the petitioner's revisional application which arises out and in connection with the order dated 5th February 2021 rejecting the petitioner's application under Order I Rule 10(2) of the Code of Civil Procedure, 1908 (hereinafter referred to as the "Code") by order no. 64 passed by the Learned Civil Judge (Junior Division), Balurghat, Dakshin Dinajpur. He submits that the petitioner is not a party to the suit and is not bound by the decree passed in T.S. No. 81 of 2001. According to him, on the basis of an erroneous advise the petitioner had filed an application for addition of party for being treated as judgment debtors which has been rejected. He submits that the petitioner does not wish to proceed with the present challenge in the instant revisional application. He, however, seeks liberty to apply before the Learned executing Court by an appropriate application to resist execution.

2. Having heard the learned advocate appearing for the petitioner and considering the fact that the petitioner does not wish to proceed with the instant revisional application, let the same be dismissed as withdrawn.

3. It is made clear that the aforesaid order shall not stand in the way of the petitioner from applying before the Learned Trial Court, if the petitioner is otherwise entitled to do so in accordance with law, provided the same is maintainable.

(Raja Basu Chowdhury, J.)