

14.
11-06-2025
(Ct. no.06)
debajyoti
(Bench ID
265719)

**IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction
APPELLATE SIDE**

CO 1867 of 2025

**Nabarani Ghosh
Vs.
Shri Nitin Biswas & Ors.**

Mr. Siddhartha Sarkar
... For the Petitioner.

1. As prayed for, leave is granted to learned advocate for the petitioner to correct the cause title, here and now.
2. This application under Article 227 of the Constitution of India is at the instance of a third party and is directed against an order being Order No.08 dated 23rd April, 2025 passed by the learned Civil Judge (Junior Division), 1st Court at Seladah in Misc. Case No.58 of 2024 arising out of Ejectment Suit No.80 of 2022. By the order impugned, the application under Section 47 of the Code of Civil Procedure stood rejected upon holding that the relief of the petitioner lies in Order 21 of the Code of Civil Procedure.
3. Heard learned advocate for the petitioner.
4. After going through the application under Section 47 of the Code of Civil Procedure, this Court finds that the petitioner has prayed for passing an order declaring that the petitioner is a joint tenant with the proforma defendant and for declaration that the eviction decree dated 06th October, 2023 passed in Eviction Suit No.80 of 2022 is not binding upon the petitioner and for permanent injunction restraining the plaintiff from dispossessing the

petitioner from the suit property without due process of law.

5. After going through the averments made in the application under Section 47 of the Code of Civil Procedure, this Court finds that the petitioner has not raised any objection against execution, discharge and satisfaction of the decree. It is not the case of the petitioner that the decree is nullity. As rightly observed by the learned Executing Court, the remedy of the petitioner lies under Order 21 of the Code of Civil Procedure.

6. For such reason, this Court is not inclined to interfere with the order impugned.

7. CO 1867 of 2025 stands dismissed. There shall be, however, no order as to costs. The petitioner is left free to work out his remedy in accordance with law.

8. Parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)