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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 2153 of 2019

With

CAN 4 of 2024

Smt. Mirnmoyee Dutta & Anr.

Vs.

Smt. Bela Chandra & Ors.

Mr. Abhijit Roy
Mr. Abhradip Maity
Ms. Satabdi Sen
Md. Ayaan

... For the Petitioners.

Mr. Arindam Paul
Ms. Debarati Das

... For the opposite parties.

In re: CAN 4 of 2024

1. This is an application, inter alia, praying for recalling of the order dated 4th November, 2024 passed by the Hon'ble Justice Bibhas Ranjan De.
2. This matter has been mentioned citing extreme urgency.
3. It is submitted on behalf of the petitioners that by reasons of dismissal of the revisional application, being CO 2153 of 2019, the learned Court is proceeding with the suit and a final decree is likely to be passed.
4. Considering the urgency involved, this matter has been directed to be listed today.
5. The records would reveal that by an order dated 8th November, 2024, a coordinate Bench of this Court was

inter alia pleased to direct urgent listing of the matter on 11th November, 2024, with a further direction on the petitioners to serve a notice along with a copy of the application, being CAN 4 of 2024.

6. Pursuant to the aforesaid, service has been effected on the plaintiff/opposite party no.1. An affidavit of service to that effect has been filed in Court today, which is taken on record.
7. Having heard the learned advocates appearing for the respective parties, I find that the petitioners have been able to sufficiently explain the reasons for their non-appearance when the revisional application, being CO 2153 of 2019 was dismissed for default.
8. In view thereof, the order dated 4th November, 2024 is recalled and the revisional application, being CO 2153 of 2019 is restored to its original file and number.
9. Mr. Roy, learned advocate appearing in support of the aforesaid application by drawing attention of this Court to the order dated 8th July, 2019 would submit that the coordinate Bench of this Court on being satisfied as regards the *prima facie* case made out by the petitioners had provided that the trial court will proceed with the suit up to the stage immediately prior to the final decree, but shall not pass and/or draw up the final decree till disposal of the revisional

application. He submits that the aforesaid order needs to be reimposed.

10. Having considered the materials on record and having noted the submissions made by the learned advocates appearing for the respective parties, I find that the aforesaid interim order dated 8th July, 2019 was valid and subsisting till the revisional application, being CO 2153 of 2019 was dismissed for default.
11. In view thereof, the aforesaid interim order dated 8th July, 2019 is reimposed and shall continue till disposal of the revisional application.
12. With the above observations and directions, the application, being CAN 4 of 2024 stands disposed of.

(Raja Basu Chowdhury, J.)