

29.10.2025

Court No.39

DL/Item No.-2

[Milan, A.R. (Ct.)]

**IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction
Appellate Side**

CO 2856 of 2025

**Anindya Basu
versus
Ahana Ghosh**

Mr. Sukanta Chakrabarty,
Mr. Anandya Halder,
Mr. Zubain Ahmed

....for the Petitioner

This revisional application arises out of an order by which the petitioner's application inter alia under the provisions of Section 340 of the Code of Civil Procedure, 1973 (in short, "CPC") which is now under the Section 379 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, "BNSS"). The learned advocate for the petitioner has fairly submitted that the order impugned is an appealable order and, as such, this application under Article 227 of the Constitution of India is not maintainable. The application has been filed on an erroneous advice. The petitioner is desirous to withdraw the application so that the certified copy thereof is returned back to the petitioner and/or his advocate for preferring the appeal.

The application, therefor, is dismissed for non-prosecution.

The Department is directed to return back the certified copy of the order impugned to the petitioner

and/or his advocate within a period of two weeks from date after completion of all necessary formalities.

The petitioner shall be entitled to claim the benefit of the time spent between 5th August, 2025 and this date (i.e. 29th October, 2025) for having prosecuted bona fide before a Court without jurisdiction, in the event, the petitioner intends to prefer an appeal challenging the order impugned.

(Arindam Mukherjee, J.)