

D/L.13.
October 27, 2025.
MNS.

FMA No. 1440 of 2025
+
CAN 1 of 2025

Sri Pratap R. Dayanani
Vs.
Smt. Bimla Devi Pun and others

Mr. Tanmoy Mukherjee,
Ms. Anuradha Poddar,
Mr. Sounak Mondal,
Mr. Rudranil Das

... for the appellant.

Mr. Vinay Kumar Purohit

...for the respondents.

1. Learned counsel for the respondents rightly points out that the impugned order is not appealable.
2. The matter arises out of the rejection of an application under Order VII Rule 10 of the Code of Civil Procedure, which is not appealable either under Order XLIII of the Code or otherwise.
3. Accordingly, FMA No. 1440 of 2025 is dismissed as not maintainable, with liberty to the appellant to take out a proper challenge before the appropriate forum against the impugned order.
4. It is made clear that the merits of the matter have not been gone into.
5. Leave is granted to the learned Advocate-on-record for the appellant to take back the certified copy of

the impugned order by furnishing a properly attested photocopy of the same.

6. CAN 1 of 2025 is consequentially disposed of as well.

7. There will be no order as to costs.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)