

03.09.2025  
Item No.36.  
Court No.06.  
S. De  
265719

**C.O. 3260 of 2025**

**Smt. Mukta Sarkar & Anr.**  
**Vs.**  
**Children's Little Theatre.**

Mr. Washim Akthir Dafader, ...for the petitioners.

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated June 16, 2025 passed by the learned District Judge-in-Charge at Alipore in Civil Revision Case No. 24 of 2025.

By the order impugned, operation of the order dated May 16, 2025 passed in Misc. Case No. 138 of 2022 arising out of T.S. 1621 of 2021 was stayed for a limited period.

The Title Suit No. 1621 of 2019 filed by the opposite party herein against the petitioners was decreed ex parte. The petitioner filed an application under Order 9 Rule 13 of the Code of Civil Procedure praying for setting aside the ex parte judgment and decree which was registered as Misc. Case No. 138 of 2022. Since the said misc case was filed beyond the prescribed period of limitation the same was accompanied by an application under Section 5 of the

Limitation Act. The application under Section 5 of the Limitation Act was allowed by an order dated May 16, 2025.

Being aggrieved by the order dated May 16, 2025 allowing the application under Section 5 of the Limitation Act praying for condonation of delay in filing the misc. case, the opposite party herein filed an application under Section 115A of the Code of Civil Procedure before the learned District Judge, 24 Parganas (South) at Alipore being Civil Revision No. 24 of 2025.

In connection with the civil revision application, the opposite party filed an application for stay and the learned Trial Judge, by the order impugned, passed an order of stay of operation of the order dated 16.05.2025.

After hearing the learned advocate for the petitioner, this Court is of the considered view that ends of justice would be subserved if the learned District Judge is directed to dispose of the civil revision application expeditiously.

The learned advocate appearing for the petitioner submits that in the mean time the civil revision application has been transferred to the Court of the learned Additional District Judge, 16<sup>th</sup> Court at Alipore.

The learned Additional District Judge, 16<sup>th</sup> Court at Alipore is requested to make an endeavour to dispose of the Civil Revision No. 24 of 2025 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

In view thereof, C.O. 3260 of 2025 stands disposed of.

**(Hiranmay Bhattacharyya, J.)**