

D/L- 12
22/09/2025
Ct. No.-6
Aritra

C.O. 3368 of 2025

**Susama Pramanick & Ors.
Versus
Rajesh Gupta**

Mr. Anirban Roy

....for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being No.79 dated October 3, 2024 passed by the learned Judge, City Civil Court at Calcutta in Title Suit No.1349 of 2011.

The learned advocate appearing for the petitioners submits that the applications filed by the petitioner under Order 26 Rule 9 and Order 1 Rule 10 (2) of the Code of Civil Procedure was rejected in the absence of the petitioner. He further submits that the petitioner could not remain present for unavoidable circumstances and for such reason the application was rejected in the absence of the petitioner.

Considering the submissions made by the learned advocate for the petitioner and taking note of the fact that the applications were rejected in the absence of the petitioner/plaintiff herein, CO 3368 of 2025 stands disposed of by giving liberty to the petitioner to file an appropriate application before the learned trial judge for recall of the said order. If such an application is filed, the

learned trial judge shall consider and dispose of the same after giving an opportunity of hearing to the opposite party.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)