

Court No. 6
(265719)

18.09.2025
(AD 21)
(S. Banerjee)

CO 3436 of 2025

Utpal Choudhary & Anr.
Vs.
Punam Projects Pvt. Ltd.

Mr. Falguni Banerjee
Mr. Subhajit Chatterjee

...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the a person claiming to be the owner of a vehicle and is directed against an order being no. 2 dated August 26, 2025 passed by the learned Judge, 8th Bench, City Civil Court at Calcutta in Misc. Case No. 10375 of 2025.

After going through the impugned order this court finds that the said order was passed on consent of both the parties.

For such reason, this court is not inclined to entertain a challenge to such order under Article 227 of the Constitution of India.

Learned advocate appearing for the petitioners submits that the petitioners did not give any consent and the fact of giving consent was wrongly recorded by the learned trial judge.

It is well-settled that record of a proceeding of a court is sacrosanct and a party cannot be allowed to dispute the correctness of the same by filing an affidavit or an application before a superior forum. An aggrieved party has to approach such forum with a appropriate application.

Faced with such situation, the learned advocate appearing for the petitioners prays for liberty to approach the learned trial judge by filing an appropriate application.

In the light of the submission made by the learned advocate appearing for the petitioners, CO 3436 of 2025 stands disposed of giving liberty to the petitioners to file an appropriate application before the learned trial judge.

If such an application is filed, the learned trial judge shall consider the same in accordance with law after giving an opportunity of hearing to the other side.

(Hiranmay Bhattacharyya, J.)