

12.11.2025
SL No.17
Court No.6
(gc)

CO 3633 of 2025

**Mabia Bibi
Vs.
Ashok Kumar Ghose & Ors.**

Mr. Siddhartha Banerjee,
Mr. Abhisek Baran Das
...for the Petitioner.

1. Although the misc. case which is an application under Order 21 Rule 101 of the C.P.C. was dismissed upon taking note of an application filed under Section 11 of the C.P.C. and by allowing the same, the ultimate order passed by the learned Court is dismissal of the misc. case. Such order is an appealable order.
2. The application of the decree-holder under Section 11 of the C.P.C. is at best an application challenging the maintainability of the misc. case on the ground that the issue raised by the petitioner was already decided in an earlier proceeding. Whether such decision is correct or not, shall be decided by the appropriate forum, but as the Civil Procedure Code provides a remedy by way of an appeal from the order passed, dismissing the Misc. Case No.56 of 2022 by the learned Judge, 5th Bench, Small Causes

Court at Calcutta, the revisional application is not entertained.

3. Accordingly, the revisional application is dismissed.
4. The petitioner can approach the appropriate forum in accordance with law.
5. Liberty to take back the certified copy, upon furnishing a photocopy thereof.
6. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)