

Item No. 178

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05.03. 2025

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 3330 of 2022

**Sri Sri Joggeswar Mahadev Dev Thakur represented
by its Shebait Sri Salil Kumar Mishra
Vs
Dost Mohammad & Ors.**

Mr. Arijit Sarkar,
Ms. Prajaaini Das.

... for the petitioner.

1. Affidavit of service filed in court today be kept with the record.
2. None appears on behalf of the opposite party.
3. This revisional application has been filed referring to the order dated 10th August, 2022 passed in connection with Title Appeal No. 19 of 2021, wherein Learned Civil Judge (Senior Division), Jangipur, Murshidabad allowed one application for substitution filed by the appellant/opposite party No.1 herein.
4. By the impugned order respondent No.1 Ka to 1 Ga were substituted.
5. Learned counsel appearing on behalf of the petitioner has submitted that the appellant/opposite party No.1 herein did not file any application as he was in jail custody at the relevant point of time. It is submitted that

appellant by filing an unsigned application practiced fraud upon the Court.

6. It is pertinent to mention here that an application under Section 340 of the Code of Criminal Procedure could have been taken out alleging fraud practice upon the Court dealing with the application for substitution. So, I do not find any illegality in the order itself. But, question of fraud practiced upon the Court can only be decided by the Learned Appellate Court.
7. In this circumstances, petitioner is at liberty to take steps before the Learned Appellate Court.
8. With the aforesaid observation, the revisional application stands disposed of.
9. Learned counsel appearing on behalf of the petitioner is at liberty to intimate this order to the Learned Appellate Court.
10. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)