

16th Oct., 2025
(Vacation Bench)
Item no.D/L 06
Court No. 07

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side

Case No. **CO 3766 of 2025**

In the matter of :

Bholanath Jana & Ors.

.... Petitioners

VS.

**Charabagan Bayam Samity represented by its
President and Secretary Baidyanath Dutta & Anr.**

....Opposite Parties

For the Petitioners:

**Mr. Ranjan Saha
Mr. Niloy Baran Mondal
Mr. Tamanath Chandra**

....Advocates

For the Opposite Parties:

**Mr. Sanjib Seth
Ms. Antara Mukherjee
Ms. Sanjukta Das**

....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. Mr. Ranjan Saha learned advocate appears for the petitioners.
3. Mr. Sanjib Seth learned advocate appears for the opposite parties/plaintiffs.
4. The records shows that by a previous order dated October 17, 2023 passed under Order 39 Rules 1 & 2 of the Code of Civil Procedure annexed at **Page-59** to the writ petition the plaintiff was allowed to perform Kali Puja at 'B' Schedule property on the terms and conditions mentioned therein.
5. Subsequently, the plaintiff applied under Section 151 of CPC annexed at **Page-70** to the petition with a prayer to

perform Kali Puja at both 'A' & 'B' Schedule property to the plaintiff.

6. The impugned order dated September 24, 2025 was passed by the jurisdictional Civil Court whereunder the said application under Section 151 of CPC was allowed.
7. Subsequently, a corrective order was passed on September 26, 2025 changing the nomenclature of the party.
8. After hearing the rival contentions of the parties and upon perusal of the materials on record, it appears, prima facie, that the order passed by the jurisdictional Civil Court on October 17, 2023 was substantive order wherefrom no appeal was carried out. The parties accepted the said order and performed the Kali Puja for the relevant year of 2023.
9. By way of an application filed under Section 151 of the CPC the said substantive order could not have been modified or altered by allowing the parties to perform Kali Puja in both Schedule 'A' & 'B' properties when the order dated October 17, 2023 was restricted to only schedule 'B' property.
10. Mr. Sanjib Seth learned advocate appearing for the opposite parties/ plaintiffs, on instruction from his client present in Court submits, they shall perform Kali Puja for this year at the 'B' Schedule property only, upon compliance of all the necessary formalities in accordance with law.
11. Accordingly, Kali Puja for the year 2025 shall be performed at the 'B' Schedule property upon compliance of all the necessary formalities and legal requirements strictly in accordance with law.

12. With above observations and directions, this petition being **CO 3766 of 2025** stands **disposed of** without any order as to costs and the impugned order stands modified accordingly.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Aniruddha Roy.]