

Item No. 07

Ct 22

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06.02. 2025

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 3911 of 2023

**Arunava Kar
Vs
Gourav Samanta**

Mr. Shiv Shankar Banerjee,
Mr. Parashar Baidya,
Mr. Nilarnab Paul

... for the petitioner.

1. This revisional application has been filed assailing an order dated 18th August, 2023 passed in connection Misc. Case No. 228 of 2016, wherein Learned District Judge, North 24 Parganas allowed an application under Order IX Rule 9 of the Code of Civil Procedure subject to payment of Rs.2000/- and restored the original case to its file.
2. Heard learned counsel appearing on behalf of the petitioner.
3. After careful scrutiny of the impugned order it is found that one application under Order IX Rule 9 read with Section 151 of the Code of Civil Procedure was filed along with an application under Section 5 of the Limitation Act praying for condonation of delay in filing the application for restoration. Learned District Judge condoned the

delay and after hearing the petition as well as considering the evidence recorded under Order IX Rule 9 of the Code of Civil Procedure allowed the same on the explanation delineated in the petition.

4. Learned District Judge relied on the evidence of PW-1 and allowed the application for restoration of the Misc. (Arb) Case No. 294 of 2011 subject to payment of cost.
5. Considering the situation, I find hardly any reason to direct the petitioner to serve notice upon the opposite party.
6. Accordingly, service upon the opposite party is thus dispensed with.
7. After careful perusal of the order impugned passed by the learned District Judge, I find no irregularity to exercise the power under Article 227 of the Constitution of India.
8. In the aforesaid view of the matter, the revisional application stands disposed of with a request to the Learned District Judge, North 24 Parganas to dispose of the Misc. (Arb) Case No. 294 of 2011 as expeditiously as possible without granting any unnecessary adjournment to either of the parties.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
10. All parties shall act on the server copy of this

order duly downloaded from the official website of
this Court.

(Bibhas Ranjan De, J.)