

04.08.2025
Court No.13
Item No.7
AP

MAT 2078 of 2017
With
CAN 2 of 2022
With
CAN 3 of 2025
With
CAN 4 of 2025

Sri Debasis Talukdar & Anr.
Vs.
The State of West Bengal and Ors.

Mr. Kalyan Mitra

... For the Appellants.

Re.: CAN 4 of 2025

1. CAN 4 of 2025 is an application for condonation of delay of 48 days in filing CAN 3 of 2025.
2. Sufficient grounds have been made out in the instant application explaining such delay. Hence, the delay is condoned.
3. Accordingly, CAN 4 of 2025 is allowed and disposed of.

Re.: CAN 3 of 2025

4. Sufficient grounds are available to explain the absence of the appellants on 21st April, 2025.
5. The order dated 21st April, 2025 is recalled.
6. The appeal is hence restored to its original file and number.
7. Accordingly, CAN 3 of 2025 is allowed.

Re.: CAN 2 of 2022

8. CAN 2 of 2022 is an application for substitution of the legal heirs of the deceased respondent No.4, Sri Madhab Chandra Koley, who died on 31st October, 2020.

9. In these circumstances, let the legal heirs of deceased Madhab Chandra Koley namely Anima Gorai and Jhuma Koley (Mondal) be substituted instead and place of respondent No.4, deceased Madhab Chandra Koley, as respondent Nos.4(a) and 4(b) respectively.

10. Learned counsel for the appellant shall carry out necessary amendment in course of the day.

11. Let fresh service be effected on the substituted respondents.

12. Abatement of the appeal, if any, on account of death of Madhab Chandra Koley shall stand set aside.

13. Accordingly, CAN 2 of 2022 is hereby allowed and disposed of.

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14. The appeal is directed against an order dated 31st October, 2017 passed by a Single Judge of this Court. The Single Judge found that the challenge in the writ petition was to an order of reference passed by a Civil Judge, referring civil suits being Title Suit No.215 of 2004, Money Suit No.32 of 2006 and Money Suit No.2 of

2006 to the Permanent Lok Adalat. The orders of reference have not been challenged.

15. It is now well settled that an order of a Civil Court cannot be challenged under Article 226 of the Constitution of India since a writ of certiorari is not maintainable against civil judicial proceedings before a regular Civil Court.

16. In these circumstances, the impugned order dated 31st October, 2017 calls for no interference.

17. Hence, MAT 2078 of 2017 is dismissed.

18. The appellants may pursue any other remedies against the order of the Civil Judge in accordance with law.

19. There shall be no order as to costs.

20. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)