

ML-137
24.07.2025
Ct. No.06
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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 4386 of 2024

Mohan Lal Agarwal
Vs.
Biplab Chakraborty & Anr.

Mr. Ayan Banerjee
Ms. Debjani Sengupta
Ms. Paulomi Ghosh
... For the petitioner

1. This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against the order no.22 dated August 7, 2018 passed by the learned Civil Judge (Senior Division), Uluberia, Howrah in Title Suit No.298 of 2015 and the order being no.30 dated September 23, 2024 passed in Misc. Case No.32 of 2018.

2. By the order dated August 7, 2018, the suit was dismissed. Thereafter, the petitioner preferred an application for review, being Misc. Case No.32 of 2018, which was dismissed by the order dated September 23, 2024. The petitioner has challenged both the orders in the civil revisional application.

3. Mr. Banerjee, learned advocate appearing for the petitioner submits that the suit could not have been dismissed on the ground of pendency of a previous suit.

4. However, since the suit has been dismissed by a judgment dated August 7, 2018 and an appeal lies from

the said judgment, this Court is not inclined to entertain the civil revisional application.

5. Faced with such situation, Mr. Banerjee, learned advocate appearing for the petitioner prays for leave to withdraw the civil revisional application with liberty to approach the appropriate forum in accordance with law.

6. In view of the aforesaid submission, CO 4386 of 2024 is **dismissed as withdrawn** with liberty to the petitioner to approach the appropriate forum in accordance with law.

7. Mr. Banerjee, learned advocate appearing for the petitioner submits that since the petitioner has approached the wrong forum, the delay in approaching the appropriate forum may be condoned by this Court.

8. It will be open to the petitioner to take out an appropriate application in that regard before the appropriate forum.

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

10. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)