

S/L 6
24.09.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
CO 4479 of 2024
CAN 1 of 2025
[Assigned]

MJM Nirman Private Limited
Vs.
Sanket Merchandise Private Limited & Ors.

Mr. Srijb Chakraborty
Mr. Rajarshee Dutta
Mr. Amit Kr. Nag
Mr. Partha Banerjee
Ms. Banoshree Mukherjee
Mr. Ratul Das

...for the Petitioner.

Mr. Saptangshu Basu, Sr. Adv.
Mr. Aniruddha Chatterjee, Sr. Adv.
Mr. Dhananjay Nayak

...for the Opposite Party No.1.

Ms. Deblina Chattaraj

...for the Opposite Party Nos.2-78 and 88.

Supplementary affidavit filed on behalf of the petitioner be kept with the record.

This is an application under Article 227 of the Constitution of India at the instance of the defendant no. 87 in a suit for declaration of title and injunction and is directed against the order dated December 21, 2024 passed by the 2nd Court of learned Civil Judge (Senior Division), Baruipur, District: 24 Parganas (South) in the said suit being Title Suit No.562 of 2023.

The connected suit was decreed on compromise on October 18, 2023. The plaintiff/opposite party, on December 21, 2024 had filed an application under Section 151 of the Code of Civil Procedure for restoration of the said suit.

The learned Trial Judge by the order impugned has allowed the said application thereby restoring the suit to its original file and number.

Mr. Srijib Chakraborty, learned advocate for the petitioner submits that no opportunity was given to the petitioner to contest the said application, it was allowed on the date of its filing, the petitioner is only praying for an opportunity to contest it.

Mr. Saptangshu Basu, learned senior advocate for the plaintiff/opposite party submits that the compromise decree was illegal on the face of it, as such the learned Trial Judge has restored

the said suit as soon as the said illegality was brought to the notice of the Court.

Having heard the learned counsel for the parties and on perusal of the materials-on-record, it appears that the application under Section 151 of the Code was allowed on the date of filing itself without affording any opportunity to the parties to contest it. The learned Trial Judge, allowing the said application in such manner, has acted with material irregularity. The order impugned is set aside on the said ground alone.

This Court is informed that November 07, 2025 is the next date fixed in the said suit.

The learned Trial Judge is requested to take up the hearing of the said application on the said date itself and to make all endeavour to dispose it of as expeditiously as possible, preferably within three weeks from the date already fixed in the suit, however opportunity should be given to the parties to file written objection to the said application.

Pending disposal of the said application under Section 151 of the Code, neither parties shall take any advantage of the said compromise decree in any manner whatsoever.

It is made clear that this Court has not gone into the merits of the said application, it is for the learned Trial Judge to decide the same in accordance with law.

CO 4479 of 2024 along with connected application being CAN 1 of 2025 are thus disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)