

JPD-14
Ct No.01
22.07.2025
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CO 104 of 2025

Captain Navneet Sandhu
Vs.
Lieutenant Colonel Sanjiv Basu Mullick

Mr. Nripen Das,
Mr. Debanjan Das

.... for the petitioner

1. The present challenge has been preferred under Article 227 of the Constitution of India against an order whereby an application under Order IX Rule 13 has been dismissed consequentially, upon the connected application for condonation of delay being rejected.
2. Since the impugned order is appealable under Order XLIII of the Code of Civil Procedure and the provision of appeal provides an equally efficacious alternative remedy, this Court is not inclined to entertain the present revisional application.
3. Accordingly, CO 104 of 2025 is disposed of by granting liberty to the petitioner to challenge the impugned order by way of a properly constituted appeal before the appropriate Court.

4. Leave is granted to the learned Advocate-on-record for the petitioner to take back the certified copy of the impugned order upon furnishing a photocopy of the same for the records.
5. It is made clear that the merits of the contentions of the parties have not been gone into by this Court.
6. There will be no order as to costs.
7. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)