

ORDER SHEET

RVWO/4/2023
WITH
APD/227/2009
IA NO: GA/1/2023

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

ANGURA MULLICK (REHMAN)
VS
MASUM ALI MULLICK AND ORS.

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
AND
The Hon'ble JUSTICE KAUSIK CHANDA
Date : 18th July, 2025.

Appearance:
Mr. Saunak Ghosh, Adv.
Md. Hossain, Adv.
Mr. Ashis Kumar Dutta, Adv.
...for the review applicant

Mr. Avijit Roy, Adv.
Mr. Indrajit Sen, Adv.
Mr. S. Medda, Adv.
*...for the respondent/
plaintiff nos.1 to 2(a) to 2(c)*

Mr. Supratic Roy, Adv.
.. for the defendant
nos.1, 3(a), 3(b), 3(c) & 4

Dictated by Arijit Banerjee, J.

Re: IA No.GA/1/2023

The Court: On the undertaking of learned Advocate-on-Record for
the review applicant to file the affidavit-in-reply in connection with the

application for condonation of delay, in course of the day, this matter is taken up for hearing.

We have heard learned counsel for the parties.

Although the delay is substantial and we are not fully satisfied with the explanation furnished, keeping in view that a large part of the period in question was hit by COVID-19 and taking a lenient view of the matter, in the interest of justice, we condone the delay.

GA/1/2023 is disposed of.

Re: RVWO/4/2023

This review application is directed against a judgment and order dated February 28, 2020, passed by a Co-ordinate Bench of which one of us (Kausik Chanda, J.) was a member, whereby the appeal of the defendant no.2 in the concerned partition suit was dismissed and the preliminary decree of the Learned Single Judge was affirmed. The defendant no.2 has now filed this review application saying that the preliminary decree passed by the Learned Single Judge does not specify the shares of all the parties which is creating great difficulty.

We see no reason to review the order dated February 28, 2020. None of the grounds mentioned in Order XLVII Rule 1 of the Code of Civil Procedure has been made out. If the Appeal Court has erroneously affirmed the preliminary decree of the Learned Single Judge, such error can be corrected by a higher forum. Review is not the course of action to be taken.

We dismiss this review application reserving liberty to the review applicant to approach the Learned Single Judge with an appropriate application, if he is entitled to do so in law.

In the event the review applicant decides to approach the Learned Single Judge, that should be done within four weeks from date and not beyond. Needless to say, we have not gone into the merits of the case at all.

(ARIJIT BANERJEE, J.)

(KAUSIK CHANDA, J.)

bp/R.Bhar