

25.06.2026
Ct No.2
D/L 13
Mujahid

CO 146 of 2024

Anil Kumar Gupta
Vs.
Suresh Kumar Singh & Ors.

Mr. Tanmoy Mukherjee
Mr. Raja Mantosh
Mr. Souvik Das
Mr. Abul Mullick

...for the petitioner

Mr. Tarak Nah Halder

...for the opposite party no.1

Mrs. Shohini Chakraborty

...for the opposite party nos.7 to 9

1. Present petition has been filed challenging the judgment and order dated 11th October, 2023 passed by the learned Additional District Judge, First Court at Sealdah, South 24 Parganas set aside the ex parte decree in Title Appeal No.23 of 2017.

2. Learned counsel for the petitioner submits that the impugned order suffers from legal infirmity as the court of learned Additional District Judge has not properly appreciated the materials on record. Learned counsel for the petitioner has taken this Court through the impugned order to emphasis that there is a wrong appreciation of evidence.

3. The Court has considered the submissions, the revisional jurisdiction conferred upon the court is

to be exercised with circumspection, the court can interfere into the impugned order only if there is a manifest, illegality or perversity in the order under challenge. In the revisional jurisdiction, the order cannot be set aside merely on the ground that an alternative view can be taken by the court below. The revisional jurisdiction has to be exercised when either there is jurisdictional error, patent illegality or perversity. This court does not find any such material in the impugned order.

4. Hence the revision petition is dismissed.

5. However, since the Title Appeal is pending since 2017. The appellate court is directed to dispose of Title Appeal No.23 of 2017 expeditiously preferably within a period of six months in accordance with law after giving the parties an opportunity of being heard.

6. However, it is made clear that this court has not gone into the merits of the case and no expression made herein shall tantamount to be an expression on the merits of the case.

(Dinesh Kumar Sharma, J.)