

30.03.2026

Sl. 17
Ct. 06
(Samar)

CO 707 of 2026

**Sri Goutam Mukherjee
Vs.
Sri Dhananjoy Mandal & Ors.**

Mr. Subhas Chandra Atha,
Ms. Payel Paramanik

.... for the Petitioner.

1. This revisional application has been filed against an order dated January 28, 2026 passed by the learned Civil Judge (Senior Division), Bankura whereby the suit itself has been dismissed on the ground that the same was not maintainable before the learned Court and that the said learned Court did not have jurisdiction to entertain the same.
2. The order impugned has not been structured like a decree and the same has apparently not been passed either on an application under Order 7 Rule 11 of the Code of Civil Procedure, 1908 or upon framing preliminary issue under Order 14 Rule 2(2) of the Code. However, given the fact that both rejection of plaint under Order 7 Rule 11 of the Code as well as dismissal of suit on the ground of non-maintainability thereof for lack of jurisdiction of the Court upon framing issue under Order 14 Rule 2(2) of the Code, would be appealable under

the Code, this Court is of the view that this revisional application is not maintainable.

3. CO 707 of 2026 is therefore not entertained and it stands dismissed.
4. This order shall, however, not prevent the petitioner from taking appropriate steps in accordance with law, to challenge the order impugned. The petitioner shall be entitled to take back the certified copy of the impugned order upon furnishing a photostat copy thereof duly counter signed by the learned advocate on record for the petitioner.
5. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)