

AD – 10
Ct No.16
07.05.2026
(SSS)

FMA 514 of 2026
with
CAN 1 of 2026

Anil Adhikary and Ors.
Vs.
SOUTH SUNDERBAN INSTITUTE OF
HIGHER EDUCATION and Ors.

Mr. Lutful Haque,
Mr. Golam Kareem Chaudhury,
Ms. Taharima Khatun,
Mr. Mahewash Rasool, Adv.
.....For the appellants.

Mr. Sayan Chattopadhyay, Snr. Adv.,
Mr. Suprava Jana,
Ms. Sushama Hansda, Adv.
.....For the respondents.

1. By the order assailed in the present appeal, an application (although erroneously captioned under Section 92 read with Section 151, CPC), seeking dismissal of the respondents' suit/proceeding under Section 92 of the Code of Civil Procedure was rejected.
2. Since the dismissal of such maintainability application is not appealable under any provision of law, the present appeal is not maintainable.
3. Accordingly, FMA 514 of 2026 is dismissed as not maintainable, with liberty to the appellants to prefer a properly constituted challenge against the

order impugned herein before the Court having determination.

4. The learned advocate-on-record for the appellants shall be at liberty to take back the certified copy of the impugned order for such purpose, upon furnishing a photocopy of the same for the records.

5. We make it clear that we have not entered into the merits of the respective contentions of the parties and it will be open to the revisional/appropriate Court to decide all questions, if raised by the parties, in accordance with law.

6. CAN 1 of 2026 is consequentially disposed of as well.

7. There will be no order as to costs.

8. Parties shall act on the server copy of this order, duly downloaded from the official website of this Court.

(Sabyasachi Bhattacharyya, J.)

(Biswaroop Chowdhury, J.)