

19-05-2026
ct no. 13
Sl. 32
sp

RVW 118 of 2026
With
CAN 1 of 2026
In
F.A.T. 414 of 2025
Sri Ananda Kumar Khan
-Versus-

Sri Joydeb Chandra Khan & Ors.

Mr. Prasenjit Mukherjee,
Mr. Saptarshi Chakraborty.

...for the appellant.

Ms. Shohini Chakraborty,
Mr. Soyal Halder,
Mr. Abul Mullick.

..for the respondent/defendant no. 1.

1. Review is sought of this Court's order dated 8th April, 2026.
2. It is submitted that the applicant/respondent in the appeal was not represented on the said day due to bereavement of his family.
3. Review is sought on the ground that the appellant was already permitted to file objection to the report of the Commissioner of partition which objection was formally rejected after a hearing by the Trial Court.
4. This fact according to the learned counsel for the review applicant has been suppressed by

the original appellant. It, however, appears that the said order rejecting the objection of the original appellant had formed part of the pleadings in the appeal and was duly considered by this Court. The said order at paragraph no. 12 was passed in the interest of justice. It further transpires that after the order was passed by this Court of which review is sought, both parties were duly heard on the objection filed by the appellant and a reasoned order was passed by the Trial Court.

5. In the backdrop of the above, this Court is of the clear and unequivocal view that the application for review is not maintainable within the four corners of Order 47 of the Code of Civil Procedure.
6. Apart from the above, this Court's mind is not free from doubt that the application is an abuse of process.
7. In the light of the above, RVW 118 of 2026 shall stand dismissed.
8. Consequently, all connected pending applications shall stand disposed of.
9. By consent of the parties, time to pass final decree is modified from six months to three months.
10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)