

13.05.2026
(D/L-05)
Ct.-06
(NMD)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 1489 of 2026

Canara Bank

-Vs-

Sri Preetam Bhattacharya & Ors.

Mr. Talay Masood Siddiqui, Sr. Adv.,

Mr. Farooque Ali,

Mr. Faizan Md. Zafar

... for the Petitioner

1. This revisional application assails an order dated January 28, 2026 passed by the learned Civil Judge (Senior Division), 9th Court at Alipore, South 24 Parganas in Title Suit No. 09 of 2024 whereby the suit has been fixed for hearing ex-parte.
2. Mr. Siddiqui, learned Senior Advocate appearing for the petitioner submits that on January 28, 2026 the petitioner had appeared before the learned Trial Court and had filed its hazira but mistakenly, the petitioner had indicated itself as “defendant no. 2” instead of “defendant no. 4” in the hazira.
3. It is submitted that proceeding on the basis that the defendant no. 4 remained unrepresented the learned Trial Court has

held that the defendant no. 4 (the petitioner herein) has lost interest in the suit and has therefore fixed the suit on the ex-parte board.

4. It is further submitted that the petitioner has filed an application under Section 151 of the Code of Civil Procedure, 1908 seeking correction of the mistake to the effect that the hazira on the said date i.e. January 28, 2026 had been filed by the defendant no. 4 and not by the defendant no. 2.
5. It is further submitted by Mr. Siddiqui that the defendant no. 4 is the only defendant who has been contesting the suit since the time of its institution without fail. It is submitted that the petitioner had also filed an application under Order VII Rule 11 of the Code seeking rejection of the plaint but such application had been turned down by the learned Trial Court.
6. Having heard Mr. Siddiqui, learned Senior Advocate appearing for the petitioner and having perused material on record, this Court is of the view that justice would be sub-served if the petitioner is granted liberty to file an appropriate application before the learned Trial Court explaining

its conduct and seeking removal of the suit from the ex-parte board.

7. As it has been submitted, that an application for correction of the requisite details of the defendant in the order dated January 28, 2026 thereby bringing on record the fact that the defendant no. 4 was indeed represented on the said date, is already pending before the learned Trial Court, therefore no further order on such aspect needs to be passed presently. The learned Trial Court shall consider the said application and pass appropriate orders in accordance with law.
8. As regards the petitioner's grievance that the suit has been fixed on the ex-parte board, the petitioner is granted liberty to file an appropriate application before the learned Trial Court explaining its conduct and seeking removal of the case off the ex-parte board.
9. As prayed, liberty is granted to the petitioner to file the aforesaid application seeking removal of the suit from the ex-parte board by way of a "put up" application for putting up the records of the case prior to the next date fixed.

10. The learned Trial Court is requested to decide such application independently on its own merit on the basis of material on record as expeditiously as possible and preferably within a month from its filing.
11. The learned Trial Court is also requested to dispose of the petitioner's application under Section 151 of the Code which is pending before it as expeditiously as possible and preferably on the next date fixed without granting any unnecessary adjournments to either of the parties.
12. C.O. 1489 of 2026 stands disposed of with the above observations.
13. 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.)