

17.3.2026  
Item no. 23  
Court no. 30  
g.b.

**CO 3193 of 2024**  
**With**  
**CAN 1 of 2024**

**Malay Ghosh**  
**Vs.**  
**M/s PKS Commercial Pvt. Ltd.**

Mr. Rajnil Mukherjee  
Mr. Abhinaba Roy  
..... For the Petitioner  
Mr. Debdut Mukherjee  
Mr. Abhik Chitta Kundu  
.....For the Opposite Party

1. The civil revision has been preferred challenging the impugned judgement and order dated 16.09.2023 passed by the learned Judge, VIIth Bench, City Civil Court at Calcutta, in Title Appeal 29 of 2020 (M/s PKS Commercial Pvt. Ltd. – versus- Malay Ghosh).
2. Vide the impugned order the learned trial Court allowed an application under Order 41 Rule 27 of the Code of Civil Procedure while hearing the title appeal.
3. It is submitted by the learned counsel for the petitioner that an application under Order 41 Rule 27 of the Code of Civil Procedure can only be considered along with the appeal and the same cannot be disposed of independently.
4. On the other hand, learned counsel for the opposite party submits that the appellate court

was of the view that additional evidence, as prayed for, was required and on being satisfied had allowed the application as per the provisions of Order 41 Rule 27 of the Code of Civil Procedure. The evidence has already been recorded and the record has been transmitted to the appellate court and is pending for disposal of the appeal.

5. On hearing the learned counsel for the parties and on perusal of the relevant provisions of law, this Court finds no irregularity in the impugned order under challenge.
6. Accordingly, the civil revision being **CO 3193 of 2024** having no merits stands dismissed.
7. The appellate court being the Judge, Bench VII, City Civil Court at Calcutta shall proceed to dispose of the title appeal in accordance with law preferably within two months from the date of this order.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after compliance of all necessary formalities.

**( Shampa Dutt (Paul), J.)**