05.10.2026
Ct. No.652
M/L 24
(NMD)

C.O. 4038 of 2025

Smt. Mamata Das
Vs.
Smt. Sunanda Mondal & Ors.

Mr. Sujit Saha,
Mr. Shibnath Das
…for the Petitioner
Mr. Nilanjan Bhattacharjee, Sr. Adv.
Mr. Saikat Dey
…for the Opposite Party No.5.

1. The revisionist/plaintiff has challenged the orders of the learned Civil Judge (Junior Division), 4th Court at Howrah, dated 13th May, 2025 and 13th June, 2025 respectively, in Title Suit No. 512 of 2024.
2. The petitioner's grievance is that the Court, without considering the fact of putting up the record by the defendant and taking steps by him without the knowledge of the petitioner, has first directed the plaintiff/petitioner to show cause, and thereafter has proceeded for hearing the counter-claim without considering the plaintiff's/petitioner's case.
3. Learned advocate appearing for the petitioner has submitted that the plaintiff/petitioner has never been notified at the time of filing of the put-up petition, as well as when the record was

put up before the Court, and also when the Court has passed an order against the plaintiff/petitioner directing him to show cause as to why the suit shall not be dismissed. Learned advocate for the petitioner further submits that the petitioner is prejudiced due to such action of the learned trial Court, in so far as the petitioner has been unjustly and illegally restrained from proceeding with the suit by the learned trial Court.

4. Mr. Bhattacharya, learned Senior Advocate has represented the opposite party no. 5. He has relied on the certified copy of the put-up petition, as well as the other application filed for postponing the date fixed in the suit before the learned trial Court, both dated 13th May, 2025. On the basis of the same, he has submitted that the petitioner's arguments in the instant case are baseless. He indicates that the documents as above clearly disclose about service of copy of the petition to the plaintiff/revisionist and his knowledge about the same. In so far as the impugned orders of the learned trial Court are concerned, according to Mr. Bhattacharyya, there is no error, as alleged, in any of those, and no interference with the same is required.

5. For proper adjudication of the case, this Court has called for the Trial Court Records of Title Suit No. 512 of 2024 and finds that the certified copies of the put-up petition, as well as the other petition, filed before the trial Court dated 13th May, 2025, appear to be in order, when compared with the original copies.

6. Therefore, the Court is prima facie satisfied that the argument of the revisionist/plaintiff is completely demolished when he says to have no knowledge about the Court's order dated 13th May, 2025, as well as 30th June, 2025. That is in view of the fact that copy of the put-up petition, as well as the other petition dated 13th May, 2025, have been duly received by the learned conducting advocate of the plaintiff/revisionist, in the Trial Court. This constitutes due knowledge of the petitioner himself, after which he shall not be in a position to deny knowledge of the record being put up before the Court, as alleged, or order of Court directing him to show cause, being issued against him.

7. The obvious corollary to the above facts is that the plaintiff/revisionist has intentionally absented himself in the learned Trial Court, resulting into the trial Court to proceed with the

suit, in absence of the plaintiff. This Court finds no error or procedural laches committed by the learned Trial Court in proceeding in the suit, as above. This Court finds the instant revision to bear no merit and, hence, the same to be liable for dismissal.

8. Hence, the present revisional application, C.O. No. 4038 of 2025, is dismissed.

9. The record of the trial Court in Title Suit No. 512 of 2024 be immediately sent back to the trial Court for resumption of further proceeding in the case by the trial Court.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)