

**25.02.2026**  
Court No. 06  
Item No. 23  
**Sandip**

IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION  
APPELLATE SIDE

**C.O. 4192 of 2025**

**Jiten Das & Ors.**  
**-Versus-**

**Matiari Vivekananda Shikshalaya,**  
**represented by Secretary,**  
**Krishnagar Swami Bibekananda Yuba**  
**Samity presently Dipak Maitra & Ors.**

Mr. Biswarup Biswas,  
Ms. Nupur Choudhuri

.....for the petitioners

- 1) By the order dated July 1, 2025, the learned Civil Judge (Junior Division), Additional Court at Krishnagar, Nadia allowed an application filed by the defendant no. 6 in the suit, seeking vacation of the order by which the suit was fixed ex parte against the defendant no. 6 and the defence of the defendant no. 6 had been struck off.
- 2) The court was of the view that the defendant no. 6 should be allowed to contest the suit by filing a written statement, for complete justice. Accordingly, by the order impugned, the Court allowed filing of the written statement by the defendant no. 6 upon payment of costs to the plaintiff as also to the defendant nos. 1 to 5.
- 3) I do not find any perversity in the order impugned. The learned Court exercised his jurisdiction and formed an opinion that the defendant no. 6 should be allowed to contest

the suit by filing the written statement and the plaintiff as also the defendant nos. 1 to 5 have been compensated. The plaintiff is not aggrieved by the order. Some of the defendants have come up in this revisional application. The order effectively amounts to recall of the order by which the defence of the defendant No. 6 had been struck off. Such order was passed on the basis of an application filed by the defendant No. 6. The nomenclature of the said application may not be proper. However, the averments therein made out a case for permission to the defendant No. 6 to contest the suit. This was a discretion exercised by the learned Court.

4) Under such circumstances, the revisional application fails.

5) Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Shampa Sarkar, J.)**