

N.22S1
151/CL

CO 1671 of 2026

Sharmistha Chaudhuri
v.

Life Insurance Corporation of India & Anr.

16.06.26
DL-40
Ct-06
(S.R.)

Mr. Manwendya Singh Yadav
Ms. Saswati Chatterjee ... for the petitioner.

Ms. Sanjukta Ray ... for the LICl.

1. This revisional application is directed against an order dated August 14, 2024 passed by the learned Judge, 2nd Bench, City Civil Court, Calcutta in Misc. Appeal No.27 of 2010 whereby the petitioner's appeal under Section 9 has been dismissed on merits in absence of the petitioner.
2. Mr. Singh Yadav, learned advocate appearing for the petitioner submits that the learned Appellate Court has committed a jurisdictional error in dismissing the petitioner's appeal on merits in absence of the petitioner inasmuch as in terms of the provisions of Order 41 Rule 17 of the Code of Civil Procedure, 1908, upon the appellant's default in appearance, the only course opened to the learned Appellate Court was to dismiss the appeal for default and not on merits.
3. Learned advocate appearing for the opposite parties submits that in cases pertaining to the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, the appellate authority is required to

adjudicate the appeal on merits even if the appellant is not represented.

4. She seeks time to make further submissions in support of her contention.
5. List this matter day after tomorrow.

(Om Narayan Rai, J.)