

D/L- 7  
17/07/2026  
Ct. No.- 6  
Aritra

**C.O. 2198 of 2026**

**Pushpanjana Basu (nee Chaudhuri) & Anr.  
Vs.  
Ratanlal Dey & Anr.**

Mr. Sounak Mandal

....for the petitioners

Mr. Tanmoy Mukherjee  
Mr. Somnath Maiti  
Mr. Soumyanil Maiti

....for the opposite party no.1

The petitioners challenged the orders dated March 26, 2019, November 7, 2024 and June 19, 2026 passed by the learned Civil Judge (Sr. Div.), 9<sup>th</sup> Court at Alipore in Title Suit No.599 of 2018.

Mr. Mandal, learned advocate appearing for the petitioners submits that by the order dated June 19, 2026, the learned trial judge fixed a date for further examination of P.W.1 without disposing of the petition for reconsideration of the order March 26, 2019. Mr. Mandal submits that the petitioners have given written instructions to him by a letter dated July 16, 2026 expressing their intention not to proceed with the civil revisional application on merits, if the learned trial Court hears out the recalling application dated June 19, 2026 on merits prior to witness action in the suit.

On a query of the Court, Mr. Mukherjee, learned advocate appearing for the opposite parties submits that the opposite parties do not have any objection if only a direction is passed upon the learned trial judge to hear out

the application on merits prior to the witness action in the suit.

In the light of the submissions of the learned advocates for the respective parties and taking note of the written instructions of the petitioners, CO 2198 of 2026 stands disposed by requesting the learned Civil Judge (Sr. Div.), 9<sup>th</sup> Court at Alipore, District-South 24-Parganas to take up the hearing of the application for reconsideration of the order dated March 26, 2019 prior to the further cross-examination of P.W.1.

It is however, made clear that this Court has not entered into the merits of the application for reconsideration of the order dated March 26, 2019 filed by the petitioners and all points are left open to be decided by the learned trial judge.

The opposite parties will be at liberty to raise all objections against the said application at the time of hearing of the said application.

Taking note of the fact that the order date July 9, 2026 records that the regular Presiding Officer has been transferred, it is observed that immediately after the regular Presiding Officer joins, an endeavour shall be made to take up the hearing of the said application as expeditiously as possible keeping in mind that the Title Suit No.599 of 2018 is pending from the year 2018.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

***(Hiranmay Bhattacharyya, J.)***