

22.01.2026
Item No.03
BR

CO 4166 of 2025
Enamul Haque
-vs-

Mohd Sarfuddin

Mr. Debjit Mukherjee ,
 Mr. K. Bhattacharyya,
 Ms. Priyanka Jana
 ... for the petitioner

1. The civil revision has been preferred challenging the order dated 7.11.2025 passed by the learned Civil Judge (Junior Division), 3rd Court , Howrah in Misc. Case No. 124 of 2024 arising out of Title Suit No. 1245 of 2020.
2. It appears that by the impugned order, the trial Court has been pleased to reject the plaintiff/petitioner's application under Order 22 Rule 9 Civil Procedure Code, on the ground that the said application is barred by limitation.
3. Learned counsel appearing for the petitioner submits that the plaintiff/petitioner initially filed an application under Order 22 Rule 9

CPC for substitution of the legal heirs of the deceased defendant and the same was within time from the date of knowledge.

4. But the plaintiff was directed to proceed under Order 22 Rule 9 Civil Procedure Code considering that the suit had abated in respect of the said deceased/defendant.
5. It is further submitted that, then a Misc. Case under Order 22 Rule 9 CPC was preferred by the plaintiff/petitioner but in the mean time delay had occurred and as such an application under Section 5 of the Limitation Act was also preferred with explanation as to why the delay had been caused.
6. From these facts, it appears that the petitioner has made out a prima facie case for hearing and the civil revision is required to be heard.
7. Accordingly, petitioner to serve upon the opposite party and file affidavit of service on the next date of hearing.
8. Pending hearing proceeding before the trial Court in misc. case no. 124 of 2024 arising out of Title Suit No. 1245 of 2020 be stayed till

30th March, 2026 or until further order whichever is earlier.

9. Matter be listed before the Regular Bench in due course.

(Shampa Dutt (Paul), J.)