

Party Name : SEKHAR BANIK Vs SWAPAN KR. BANIK & ORS

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA THE HONBLE MR. JUSTICE S.C.DAS

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There is no error in the judgment much lesser error apparent on the record. The only ground urged by Mr. D. Chakraborty, learned senior counsel is that the order dated 28.11.2007 whereby, the name of defendant No.4 was struck off from the record has become final and challenged by any party. That by itself is meaningless because defendant No.4 as held by us was an essential party. Though order dated 28.11.2007 was passed at the instance of defendant No.4, the counsel for the plaintiff clearly submitted that he had no objection to striking out the name of defendant No.4. Once the name of an essential party is struck off we cannot grant any relief against that party and that is the reason why we had dismissed the appeal.

We, therefore, find no merit in the review petition which is also dismissed.