

13.7.2023

ct. 236

sk,sl. 11

S.A.T. 322 of 2018

CAN 1 of 2018

CAN 2 of 2021

CAN 3 of 2023

Mrityunjoy Mondal

-vs-

Tutul Mondal

Mr. Ravi R.Kumar  
...for the appellant.

Mr. Nilanjan Bhattacharjee  
Mr. Saikat Dey  
...for the added respondent.

Mr. Debjit Mukherjee  
Mr. S. Chatterjee  
Mr. D. Ganguly  
Mr. K.Bhattacharya  
...for the respondent nos. 1,3 & 4.

Supplementary affidavit filed on behalf of the respondent nos. 1,3 and 4 is taken on record.

Heard learned counsel representing the parties.

It is submitted by Mr. D. Mukherjee that the CAN application for order of stay of the operation of the judgment and decree passed on 30<sup>th</sup> April, 2018 has become infructuous for the simple reason that the final decree has been executed and possession has already been delivered in terms of the said decree vide order dated 16<sup>th</sup> January, 2021.

Learned counsel representing the appellant admits the said fact. Therefore, I do not find any reason to keep this application pending.

**CAN 1 of 2018** is disposed of being infructuous.

**In re: CAN 3 of 2023.**

Mr. Bhattacharjee, learned counsel representing the applicants in CAN 3 of 2023 submits that since the final decree has been passed, the petition cannot be entertained unless the final decree is challenged.

Under such circumstances, the matter is adjourned for six weeks with liberty to mention.

**(Siddhartha Roy Chowdhury, J)**