

APO No. 51 of 2019
I. A No. GA 1 of 2019
Old No. GA 570 of 2019
CS No. 152 of 2017
IN THE HIGH COURT AT CALCUTTA
In appeal from its
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION

Shyam Sel & Power Ltd.
Versus
Bahubali Promoters Pvt. Ltd.

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice MD. NIZAMUDDIN
Date: 24th February 2021

Appearance:
Mr. Manoj Kr. Tiwari Advocate
for the appellant
Mr. Dwip Raj Basu, Advocate
for the respondent

The Court: This disposed of appeal was mentioned and thereupon directed to be listed.

It was disposed of on 28th March 2019. The effect was stay of the suit (CS No. 152 of 2017). However, the judgment and order did not specifically record disposal of the appeal.

In another proceeding between the same parties a terms of settlement has been filed under which these proceedings (suit and appeal) are required to be withdrawn by the respective parties. Further to this the respondent/plaintiff has withdrawn the instant suit.

The appellant/defendant wants such an order in this appeal.

It cannot be made in a disposed of appeal.

We can only observe that after disposal of the appeal the suit has been withdrawn and the order dated 28th March 2019 disposing of the appeal will have effect accordingly.

(I. P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)

R. Bose