

05.02.2021
Court No. 19
Item No.10
CP

C.O. 220 of 2021

Dipak Sarkar & anr.
vs.
Goutam Sarkar & anr.

Mr. Tapash K. Bhattacharya
Mr. Aviroop Bhattacharya

....for the petitioners.

Mr. Farooque Ali
Mr. A. Ali

.....for opposite party no. 1.

This revisional application is directed against an order dated January 20, 2021, passed by the learned Judge, Commercial Court, Rajarhat, North 24 Parganas. The petitioner is aggrieved because an application for recalling of the orders dated October 16, 2020, December 14, 2020 and December 23, 2020 were rejected.

It is the contention of Mr. Bhattacharya that the learned court below could not have rejected the said application on the ground of being belated and misconceived. It is submitted that there was a resolution of the local bar that no adverse orders could be passed and despite the same, an application for police help at the instance of the plaintiff was allowed for implementation of the order passed by the learned court appointing a receiver over the suit

property. The said receiver was appointed in the year 2017.

Mr. Farooque Ali, learned advocate appearing on behalf of the opposite party no. 1, submits that the learned receiver has already taken possession of the schedule 'A' property and the revisional application has become infructuous. According to him after the receiver was appointed, the order was challenged before this court by the petitioners, i.e. the defendants 2 and 4 and the said appeal was dismissed. Thus the order of appointment of the receiver attained finality.

Having heard the learned advocates for the respective parties and having gone through the records, this court is of the view that as the learned receiver has already taken possession of the schedule 'A' property as submitted by Mr. Ali, then nothing remains to be decided in the revisional application. Mr. Ali also submits that on January 30, 2021, the learned receiver has taken possession in presence of both the parties and the petitioners were also present and have signed on the minutes.

This revisional application is disposed of. As the learned Trial Judge has already given liberty to the petitioners to file appropriate applications ventilating their grievances, nothing further remains to be decided here. If any application is filed in the

learned court below, the same will be decided in accordance with law on the basis of the documents. The application be disposed of within a period of one month from the date of filing of the same. An advance copy be served upon the plaintiffs at the time of filing.

This court has not gone into the merits of the claims and counter-claims of the parties and the learned court below shall proceed independently and in accordance with law without being influenced by any observations made hereinabove.

The revisional application is disposed of. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible subject to compliance of all usual formalities.

(Shampa Sarkar, J.)