

C.O. 954 of 2021

(Via Video Conference)

Vishal Bajaj & Anr.

-Vs-

Sri Debendra Nath Paul & Anr.

Mr. Saunak Bhattacharya,
Mr. Gautam Das,
Mr. Sandeep Kumar Tiwari.
....for the petitioners.

Mr. Abhijit Ray,
Mr. Tanmay Kumar Dey,
Mr. Shubham Gupta.
....for the opposite party.

Mr. Saunak Bhattacharya, learned advocate appearing on behalf of the petitioners submits that the Miscellaneous Appeal No. 75 of 2017 out of which the present application under Article 227 of the Constitution of India arises has already been allowed rendering the present revisional application infructuous.

Mr. Abhijit Ray, learned advocate appearing on behalf of the opposite party submits that the said miscellaneous appeal was allowed subject to compliance of the condition of payment of occupation charges which the petitioners are not paying.

Mr. Bhattacharya submits that time for complying of the said conditions has not yet been expired.

There is no necessity of going into this controversy inasmuch, if the petitioners fail to comply with the condition for setting aside the ex parte decree, the decree will automatically be revived.

In view of disposal of the connected miscellaneous appeal, C.O. 954 of 2021 has become infructuous and is dismissed as such.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)