

07.12.2021
(S/L-27)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 3854 of 2018
With
IA No. CAN 1 of 2019 (Old CAN 8357 of 2019)
(Application is not in file)
IA No. CAN 2 of 2019 (Old CAN 10655 of 2019)
(Application is not in file)

Mitali Das
-Vs-
Sri Debasis Mondal & Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
.... For the Petitioner.

Mr. Debdutta Raha,
... For the Opposite Parties.

**RE: IA No. CAN 1 of 2019
(Old CAN 8357 of 2019)**

This is an application for recording the
factum of death of opposite party no. 4.

The application is not on record.

Mr. Sounak Bhattacharya, learned advocate
for the petitioner supplies a copy of the said
application which is taken on record and be
treated as a part of the record.

In the said application it has been stated
that the opposite party no. 4 has died intestate
during the pendency of the present revisional
application on August 25, 2018 and the heirs
and legal representatives of the said deceased
opposite parties are already on record.

The application is filed within time and it is in form therefore allowed.

Let the factum of death of the opposite party no. 4 be recorded.

The department is directed to make necessary correction in the Cause Title of the revisional application.

IA No. CAN 1 of 2019 (Old CAN 8357 of 2019) is thus disposed of without any order as to costs.

C.O. 3854 of 2018

Defendant no. 3 in a suit for declaration of tile, cancellation of a deed of gift and permanent injunction is the petitioner of the present application under Article 227 of the Constitution of India which is directed against order dated August 13, 2018 passed by the 6th Court of Learned Civil Judge (Junior Division), Alipore District- 24-Pargans (South) in the said suit being Title Suit No. 17589 of 2011.

The petitioner in the said suit filed an application for expunging a part of the evidence-in-chief of D.W. I on the ground that the said evidences are beyond her pleadings. The learned Trial Judge by the order impugned has dismissed the said application.

The said witness since has already died before completion of her cross-examination the

entire evidence of the said witness shall be treated to be expunged from the record, as such, challenge to the order impugned has become infructuous.

C.O. 3854 of 2018 is disposed of as such without any order as to costs.

**RE: IA No. CAN 2 of 2019
(Old CAN 10655 of 2019)**

This is an application filed by the plaintiffs/opposite parties for vacating the order of stay passed in the present revisional application.

The application is not on record. The learned advocate for the plaintiffs/opposite parties supplies a copy of the said application which is taken on record and be treated as a part of the record.

In view of disposal of the revisional application, the said application being IA No. CAN 2 of 2019 (Old CAN 10655 of 2019) also has become infructuous and is accordingly disposed of.

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.)