

OD-2

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Via Video Conference]

IA No.: GA/8/2021
In CS/367/2012

SWAPAN KUMAR GHOSH & ANOTHER
Versus
SATYA KAM BHOSE & OTHERS

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 24th March, 2021.

Appearance:

Mr. Sayantan Bose, Adv.

Ms. Madhurima Das, Adv.

...for the plaintiffs

Mr. Arnab Dutt, Adv.

...for the defendant no. 1

Mr. Soumya Kanti Chatterjee, Adv.

...for the defendant nos. 2(a) to (c)

The Court : The plaintiffs herein seek to withdraw the suit. On the last occasion the Court had directed the plaintiffs to serve the defendants before the matter is taken up for consideration.

All the defendants are represented today in Court. The application states that the dispute between the plaintiffs and the defendants has been amicable settled pursuant to the defendant nos. 2(a) to 2(c) executing a deed of conveyance in favour of the nominee of the plaintiffs in terms of the agreement for sale dated 27th January, 2010. It may be noted that the prayer in the plaint is for a decree for specific performance of an agreement for sale dated 27th

January, 2010 and decree for possession of the suit property described in the Schedule to the plaint.

Since all the parties to the suit are present before this Court and the application states that the matter has been amicably resolved, this Court sees no impediment in allowing the application in terms of prayer (a) of the suit to be dismissed as withdrawn.

Learned counsel for the plaintiffs submits that since cross-examination of the plaintiffs' witness had commenced, certain documents in original had been deposited in Court which are detailed in paragraph 4 of the application. Counsel seeks leave to withdraw the said documents which had been exhibited in the course of the evidence. This prayer is also allowed. The plaintiffs shall be permitted to withdraw the documents exhibited on behalf of the plaintiffs as particularized on paragraph 4 of the application.

G.A. No. 8 of 2021 is accordingly allowed. C.S. No. 367 of 2012 is dismissed as withdrawn.

(MOUSHUMI BHATTACHARYA, J.)