

07.04.2022
Srimanta
Sl. No. 06
Ct. No. 42

CO/1290/2019

Kanwarjit Singh Anand & Ors.
-Vs.-
M/s. Western Warehousing Pvt. Ltd. & Ors.
[Assigned]
[Via Video Conference]

Mr. Siddhartha Banerjee, Adv.,
Ms. Soni Ojha, Adv.,
Ms. Sambrita B. Chatterjee, Adv.
...for the opposite party no. 1.

The Learned Advocate for the opposite party no. 1 is present. No step taken on behalf of the plaintiffs/petitioners and the defendants/proforma-opposite party nos. 2 and 3.

The instant application under Article 227 of the Constitution of India is filed challenging legality, validity and propriety of order no. 118 dated 11th February, 2019 passed by the Learned Civil Judge (Senior Division), Uluberia, Howrah in Title Suit No. 133/2006.

It is pointed out by Mr. Siddhartha Banerjee on production of certified copy of Order No. 123 dated 26.09.2019 that Title Suit No. 133/2006 was dismissed for default.

It is also submitted by him that when the suit was dismissed for default the plaintiff/petitioner is presumed to be disinterested in continuing the instant revisional application.

This Court is also of the view that dismissal of the suit renders the instant revisional application infructuous. Accordingly, the instant revision be and the same is **dismissed for non-prosecution.**

The certified copy of Order No. 123 dated 26.09.2019 passed in Title Suit No. 133/2006 be kept with the record.

(Bibek Chaudhuri, J.)