

05-12-2022
Item no.3
Subrata

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO. No.1444 of 2022
Kanhaiya Shaw
-vs-
Zubaida Hamid & Anr.
with
CAN No.1 of 2022

Mr. Somnath Naskar
Mr. Abhisek Addhya
Mr. U.S. Bhattacharya
Mr. U.K. Shaw ...for the petitioner

Mr. Wasim Ahmed
Md. Kashif ...for opposite party no.1

Mr. Mrityunjay Saha ...for the CAN

This is an application under section 24 CPC seeking transfer of Misc. Case No.13 of 2018 arising out of Misc. Case No.208 of 2017, which arose out of Ejectment Execution No.10 of 2016.

Learned counsel for opposite party no.1 by furnishing an information slip submits that Misc. Case No.13 of 2018 was dismissed for default on August 6, 2022 and thereby the instant revisional application has become infructuous.

Admitting the fact that Misc. Case No.13 of 2018 has been dismissed, learned counsel for the petitioner submits that the petitioner be permitted to withdraw the revisional application with a liberty to file a revisional application afresh after restoration of the Misc. Case.

Having heard learned counsels appearing for the parties, I feel that the petitioner may be permitted to withdraw this application under section 24 CPC with liberty

to file afresh, once the said Misc. Case is restored to its file.

Accordingly, the petitioner is permitted to withdraw the revisional application with liberty to file a fresh one seeking transfer of Misc. Case No.13 of 2018 once it gets restored.

CO No.1444 of 2022 stands thus disposed of as withdrawn. Consequently, CAN No.1 of 2022 filed for addition of party in the revisional application stands disposed of as well.

It is made clear that this court has not gone into the merits of the revisional application.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Rabindranath Samanta, J]

