

24.02.2022
SL No. 19
Court No. 21
Ali

C.O. 1264 of 2021

The State of West Bengal
Vs
Sraddhananda Basu
(Via Video Conference)

Mr. Ayan Banerjee,
Mr. Arindam chatterjee,
Mr. Soumo Chaudhury,
Ms. Debjani Sengupta
.....for the Opposite Party

None appears on behalf of the petitioner when the matter is called.

In fact from the previous order it is seen that the petitioner has not been appearing before the Court since 2.9.2021.

However, the opposite party is represented by his lawyer Sri Ayan Banerjee.

The petitioner has filed the present application being aggrieved by the order passed by the learned Additional District Judge, 1st Court, Hooghly, Sadar in L.A. Execution 01 of 2019 arising out of an Award dated 16.12.2019.

It has been submitted by the learned lawyer for the opposite party that the petitioner has already filed an appeal being No. FAT 516 of 2019 before this Hon'ble Court and the Hon'ble High Court has been pleased to stay the operation of the Award. He

submits that since an appeal has already pending in connection of the Award dated 20.09.2018 and as such, the present revisional application does not lie.

From the impugned order it is seen that the learned Court below has been pleased to attach to the moveable property by L.A. Collector, Hooghly by passing the impugned order. Since there is an order of stay of the decree then the impugned order passed by the learned Court below becomes infructuous. Consequently, the present revisional application is also not maintainable.

Accordingly, the revisional application being C.O. 1264 of 2021 is dismissed.

There shall be no order as to costs.

Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(Kesang Doma Bhutia, J.)