

17.02.2022
Item No.11
Court No.18
AJ.

C.O. 2635 of 2019
(Through Video Conference)

Kamal Dalui
-Vs-
Nirmal Kumar Dalui & Ors.

Mr. Anik Kumar Chattopadhyay,
... for the petitioner.
Mr. Anirban Bose,
Mr. Satyajit Senapati.
....for the opposite parties.

The revisional application at the instance of the defendant in a suit for partition is directed against an order dated July 29, 2019 passed by the 2nd Court of the learned Civil Judge (Senior Division), Howrah in Misc. Case No. 40 of 2019.

The preliminary decree of partition passed in the said suit on being made final was put into execution giving rise to the Title Execution Case No. 3 of 2019.

In the said execution case, the petitioner filed an application under Section 47 of the Code of Civil Procedure being Misc. Case No. 40 of 2019.

The executing Court allowed the prayer of the decree-holder for police help to execute the said final decree vide Order dated July 06, 2019.

The petitioner filed an application for stay of the said order till the disposal of the said Misc. Case.

The learned Trial Judge by the order impugned has dismissed the said application.

Mr. Anirban Bose, learned advocate appearing on behalf of the opposite parties submits that the decree under execution has already been executed and satisfaction of the execution case has been recorded by the executing Court in the order dated September 19, 2019. He files a photocopy of the said order which is taken on record.

In view of the aforesaid development, the said Misc. Case no. 40 of 2019 has become infructuous, consequently the present revisional application also.

C.O. 2635 of 2019 is dismissed as infructuous without any order as to costs.

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.)