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Ct. 18
24.03.2022

C.O. No. 3631 of 2019

**Sri Sanjay Gadia & Ors.
Vs.
Mrityunjay Khara & Ors.**

Mr. Rabindra Narayan Dutta,
Mr. Sibasis Ghosh,
Mr. Nishant Kr. Sharoff ... For the petitioners.

Mr. Rabindra Narayan Dutta, learned advocate for the petitioners files photocopy of the notice addressed to the learned advocate for the opposite parties Mr. Anupam Acharya, the said notice is taken on record.

In spite of service the opposite parties are not represented.

The petitioners are the plaintiffs of Title Suit No. 613 of 2013 pending before the 1st Court of learned Civil Judge, (Senior Division) at Barasat, District – 24 Parganas (North).

The opposite party no. 1 in the said suit filed an application under Section 10 of the Code of Civil Procedure praying that till the disposal of the application for revocation of the grant of probate of the last Will and testament of the deceased defendant/opposite party no. 2 filed by the petitioners before the 7th Court of learned Additional District Judge at Barasat, District – 24 Parganas (North) being Misc. Case No. 85 of 2018 (Revocation), further proceedings of the said suit be stayed.

The learned Trial Judge by the order impugned being Order No. 94 dated September 05, 2019 has disposed of the said application observing that the suit may be proceeded with but no final judgment will be passed in the suit till the disposal of the said revocation case.

The petitioners in the meantime have withdrawn the said revocation proceeding. Mr. Dutta files photocopy of the application filed by the petitioners for withdrawal of the said revocation case and the photocopy of the information slip in respect of the order allowing the said application which are taken on record.

In view of the withdrawal of the said revocation case, there is no difficulty in proceeding with the disposal of the connected Title Suit No. 613 of 2013.

The order impugned, is, therefore set aside.

The learned Trial Judge is requested to dispose of the said suit expeditiously in accordance with law in terms of the direction passed by the Co-ordinate Bench of this Court in C.O. 4015 of 2018.

C.O. 3631 of 2019 is thus disposed of 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.)