

22.12.2022
Item No.7
Ct. No.7
CHC
(disposed of)

C.O. 3742 of 2022

Sampa Das
Vs.
Goutam Mondal & ors.

Mr. Tarak Nath Halder
...for the petitioner

While assailing the impugned order, Mr. Halder, learned advocate appearing for the petitioner, submits that despite an order of stay being granted in C.O.2720 of 2018, which is very much operative till the disposal of referred revisional application of this Court, the court below under an erroneous approach has proceeded with the suit being oblivious of the stay order already granted in this case.

Attention of the Court is drawn to the order dated 30th November, 2018, making extension of the interim order granted on 17th August, 2018, till the disposal of revisional application.

It is also submitted by Mr. Halder that revisional application being C.O.2720 of 2018 has not yet been disposed of by this Court.

Upon perusal of the impugned order, it appears that there is no reflection of the order dated 30th

November, 2018, passed in C.O.2720 of 2018, thereby extending the stay order previously granted on 17th August, 2018, till the disposal of referred revisional application.

In a situation like this, presence of the opposite parties is felt not necessary.

Service upon the opposite parties stands dispensed with.

The revisional application stands disposed of directing the petitioner to produce copy of the order dated 30th November, 2018, passed in C.O.2720 of 2018, upon notice to the opposite parties, within three days, immediately after reopening of Winter Vacation of the court below.

It is clarified that the court below may reappreciate the situation in context with the order dated 30th November, 2018, if necessary, upon doing necessary modification of the order dated 22nd November, 2022 in presence of the opposite parties.

With this observation/direction, the revisional application stands disposed of.

Petitioner is directed to make communication of this order to the learned court below as well as to the opposite parties and their learned advocate in the court below.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)