

3. 2.2022
27
Ct. no. 652
sb

C.O. 1150 of 2019

Binoy Kumar Biswas
Vs.
Sufal Chandra Biswas & ors.

Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta
Mr. Ankit Chatterjee ...for the Petitioner

Mr. Sarbananda Sanyal
Ms. Poulami Chakraborty ...for the opposite parties

Being aggrieved and dissatisfied with the order no. 85 dated 4.1.2019 in connection with Title Suit no. 217 of 1995, the present revisional application under Article 227 of the Constitution of India has been preferred.

The defendant/petitioner herein contended that they have purchased a portion of the suit property from a co-sharer and they wanted to incorporate said fact by way of filing additional written statement and also prayed for framing additional issue. By the impugned order, the learned court below rejected both the prayers i.e. acceptance of additional written statement as well as the prayer for framing additional issue. Being aggrieved by that order, the defendant/petitioner has preferred this revisional application.

However, during pendency of this revisional application, the said suit being Title Suit no. 217 of 1995 has been decreed in favour of the plaintiff. It is submitted

that being aggrieved by the said decree, the defendant/petitioner has preferred appeal before the First appellate court which is pending.

In view of the aforesaid judgment and decree passed in Title suit no. 217 of 1995, the present revisional application has become infructuous.

Let C.O. 1150 of 2019 be dismissed as being infructuous.

(Ajoy Kumar Mukherjee, J.)