

13.6.2023
ct. 236
sk,sl. 51

S.A.T. 67 of 2021
(C.A.N. 1 of 2022), (CAN 2 of 2021)
Goutam Roy(Uma Roy since deceased)
Vs
Smt. Arati Roy & Ors.

Mr. Goutam Das
...for the appellant.

The matter was adjourned on 5th June, 2023 to give an opportunity to the appellant/petitioner, who filed an application for condonation of delay of 440 days being CAN 1 of 2021.

Mr. Goutam Das, learned counsel for the respondents/landlords is present and submits that the appellant/tenant has surrendered the possession in favour of the landlord/plaintiff/respondent and accordingly the execution proceeding being Ejectment Execution Case No.34 of 2010 was disposed of on full and final satisfaction of the decree by the learned Executing Court being Civil Judge (Junior Division), Additional Court at Sealdah vide order dated 17th May, 2023 which is why the appellants are not interested to proceed with the application.

The conduct of the appellant/petitioner is eloquent about her lack of interest to proceed with the application under consideration.

I do not find any reason to keep the matter pending by blowing life into it by an order of adjournment.

Considering the facts and circumstances of the case, I am inclined to dismiss the application for condonation of delay of 440 days. Consequently the appeal stands dismissed.

The photocopy of the order passed by learned Executing Court in Ejectment Execution Case No. 34 of 2010 together with application seeking order for dismissal of the Misc. case under Order 21 Rule 97 of the Code of Civil Procedure are taken on record.

The application being CAN 1 of 2021 is thus disposed of.

Copy of this order be sent down to the learned trial court forthwith.

(Siddhartha Roy Chowdhury, J)