

26.9.2023

ct. 236

sk,sl. 29

C.O.1008 of 2013

CAN 1/2014, CAN 2/2015,

CAN 3/2015,CAN 4/2015,CAN 5/2015

Jamil Ahmed (On the death of defnd. Hamidunnessa Bibi) & Ors.-vs-Tanveer Ahmed(On the death of S.Ahmed) & Ors.

Mr. Syed Nasirul Hossain...for the petitioner.

1. This application under consideration was filed on 18th March, 2013 and on 25th March, 2014. Mr. Hossain, learned counsel for the petitioner appeared to submit before the Court that one of the petitioners had died.
2. Since then, no one is appearing on behalf of the petitioners.
3. The revisional application was even not admitted. No direction was given to notify the opposite parties.
4. From the order impugned I find that in an execution proceeding being Title Execution No. 18 of 1995, an application under Section 151 of the Code of Civil Procedure was filed seeking the stay of the proceeding on the ground that Hon'ble High Court in F.A. 101 of 2007 passed an order of stay.
5. In absence of any order of stay, there is every possibility that the execution case has been disposed of.

6. Be that as it may, the conduct of the petitioner since filing of this application unerringly indicates their lack of interest to proceed with the matter.
7. The order impugned does not suffer from jurisdictional error nor there is anything to indicate that this order suffers from perversity.
8. The revisional application is dismissed and CAN applications are disposed of.

(Siddhartha Roy Chowdhury,J)