

S/L 5
19.12.2024
Court. No. 551
Sourav

**RVW 136 of 2023
With
CAN 1 of 2024**

In

**CO 1774 of 2022
With
CAN 2 of 2023**

**Md. Abdul Gaffar Biswas
Vs.
Nowser Ali & Ors.**

*Mr. Anirban Mitra
Mr. Amit Halder
Mr. Amit Ray*

...for the opposite party nos. 10 and 13.

1. None appears on behalf of the review petitioner.
2. Mr. Mitra, learned advocate for the opposite party nos. 10 and 13 has filed a photocopy of the certified copy of the order No. 78 dated 27.11.2024 as passed in Title Suit No. 121 of 2012 by the learned Civil Judge (Senior Division), Basirhat, North 24 Parganas as well as the copy of the deposition of P.W. 1 in connection with the aforementioned suit as recorded on 26.11.2024.
3. It is submitted by Mr. Mitra that after passing of the order dated 28.04.2023 in CO 1774 of 2022, the review petitioner who is the defendant in the said suit has filed his additional written statement and, thereafter, examination of the plaintiff/witnesses has already been started and the same is now under further cross-examination stage. Mr. Mitra thus

submits that an appropriate order may be passed in the review petition.

4. On perusal of the entire materials as placed before this Court, it reveals that this Court by an order dated 28.04.2023 allowed the revisional application being CO 1774 of 2022 upholding the order dated June 15, 2022 as passed by the learned trial Court in the said suit allowing the amendment for plaint.
5. Since after passing of such order, the present review petitioner has filed his additional written statement and has also participated in the cross-examination of P.W. 1 and also keeping in mind , the review petitioner is absent today as well as on the last day i.e., on 18.12.2024, this Court finds no further alternative to dismiss the instant review petition.
6. In view of such, the review petition being **RVW 136 of 2023** stands hereby dismissed for default.
7. Learned trial Court who is dealing with the Title Suit No. 121 of 2012 is hereby requested to proceed with the said suit as expeditiously as possible without granting any unnecessary adjournments to either of the parties.
8. Learned trial Court is directed to act on the server copy of this order.

(Partha Sarathi Sen, J.)