

23.08.2023

Item No.9

Ct. No.1

PG/AGM

**F.M.A. 417 of 2022
With
I.A. No. CAN 1 of 2022**

**Satya Naryan Bose
Vs.
District Engineer,
The Calcutta Electric Supply
Corporation Limited & Ors.**

Mr. Atis Kumar Biswas
Mr. J.N. Manna
Mr. Amit Singh
Ms. Jyoti Aggarwal.....for the appellant

Mr. Debanjan Mukherjee.....for the CESC Ltd.

Mr. Ankit Agarwala
Mr. Alotriya Mukherjee.....for the private respondent

1. This intra-Court appeal at the instance of the writ petitioner is directed against the order dated 2nd December, 2021 in W.P.A. 10030 of 2021 by which the writ petition filed by the appellant was dismissed.
2. The learned advocate appearing for the private respondent submitted that the appeal has become infructuous inasmuch as the private respondent, who obtained an eviction decree against the appellant, which was confirmed by this Court in second appeal had subsequently filed execution case in EJ EX Case No. 5 of 2006 and the learned Judge, 3rd Court, Presidency Small Causes Court, Calcutta by order dated 14th

March, 2023 has recorded that the writ issued to the bailiff was duly executed and peaceful and vacant possession was delivered to the decree holder/private respondent.

3. In the light of the same, nothing further survives for adjudication in this appeal and the same is disposed of without any order as to costs.
4. However, considering the prayer made by the learned advocate for the appellant, the cost imposed by the learned Single Bench in page 4 of the impugned order stands deleted.
5. The copy of the order dated 14th March, 2023 passed by the learned Judge, 3rd Court, Presidency Small Causes Court, Calcutta is kept with the record.
6. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)