

40
11.7.2023
Ct. 236
SB

C.O. 4065 of 2004
CAN 1 of 2005 (not in file)

In the matter of : Sri Dulal Raha

As usual none is appearing on behalf of the petitioner.

This revisional application is awaiting adjudication for 19 years. On the last occasion i.e. on 23.6.2023 the matter was adjourned suo moto.

Hon'ble Supreme Court in the case of **Robin Thapa vs.**

Rohit Dora reported in **AIR 2019 SCC 3225** held that ;

“8. Ordinarily, a litigation is based on adjudication on the merits of the contentions of the parties. Litigation should not be terminated by default, either of the plaintiff or the defendant. The cause of justice does require that as far as possible, adjudication be done on merits.”

Under such circumstances, I am inclined to dispose of the application on merit.

This revisional application under consideration challenges the Order No. 7 dated 21.12.2004 passed by the learned Trial Court. By the impugned order learned Trial Court was pleased to fix the matter on 07.01.2005 for hearing of the application under order VII Rule 11 (d) and application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure. as Learned Trial Court was busy with hearing of a matter under the direction of the High Court. The order impugned does not indicate any perversity or erroneous exercise of jurisdiction.

The revisional application is bereft of merit and is dismissed, however, without any order as to costs.

Interim order of stay, if any, stands vacated.

Let a copy of the order be sent down to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)