

11.12.2023

Srimanta

Sl. No. 19

Ct. No. 655

CO/3216/2014

Manju Roy & Ors.

-Vs.-

Ratan Roy & Ors.

Petitioners are not represented.

Opposite parties are also not represented.

The instant revisional application is preferred by the plaintiffs/petitioners challenging the impugned order dated 6th February 2014 passed by the learned Trial Court whereby application under order 1 Rule 10 of the Code of Civil Procedure filed by the petitioners namely, Dharani Roy and others was allowed.

Being aggrieved by and dissatisfied with the impugned order passed by the Trial Court the present revisional application has been preferred by the plaintiffs / petitioners. It appears from the impugned order that a suit was filed by the plaintiffs praying for partition in respect of the suit properties by metes and bounds and the suit was decreed in preliminary form. Thereafter, on the strength of an application filed by the plaintiffs, Advocate Commissioner was appointed and he submitted his report. The petitioners filed the application under Order 1 Rule 10 C.P.C claiming that they became the co-sharers in respect of the case property after purchasing shares from the defendant No. 1 by registered deed of sale. The learned Trial Court passed the impugned order by allowing application filed by those petitioners under Order 1 Rule 10 of the Code of Civil Procedure.

The instant revisional application is pending in the list since 2014. It appears from the order-sheet that on earlier occasion petitioners were not represented and accordingly, there is reasonable ground to believe that the petitioners have lost their interest to proceed with the present revisional case.

Accordingly, the revisional application being No. CO/3216/2014 is hereby dismissed for default.

Interim order, if any, stands vacated.

There will be no order as to costs.

(Prasenjit Biswas, J.)