

S/L 18
06.09.2023
Court. No. 29
Suwayan

**CO 4011 of 2022
With
CAN 1 of 2023
With
CAN 2 of 2023**

**Sri Sanjay Gadia & Ors.
Vs.
Mrityunjay Khara & Ors.**

*Mr. Rabindra Narayan Dutta
Mr. Sibasis Ghosh
Mr. Nishant Kr. Saraf
Mr. Arkoday Mukherjee
Mr. Soham Banerjee*

...for the petitioners.

*Mr. Prasenjit Burmon
Mr. Soumyajit Mondal*

...for the opposite party No. 1.

1. Learned Advocate for the petitioners and learned Advocate for the opposite party No. 1 are present.
2. In this revisional application as filed under Article 227 of the Constitution of India the revisionist have challenged the Order No. 169 dated 12.12.2022 passed by the learned Civil Judge (Senior Division), 1st Court, Barasat, North 24 Parganas in Misc. Case No. 172 of 2014 (arising out of an application under Order 39 Rule 2A CPC) whereby and whereunder learned Trial Court in the said Misc. case has allowed the opposite parties' application for local inspection as filed under Order 39 Rule 7 CPC.
3. In course of hearing, learned Advocate for the petitioners has handed over a photocopy of the certified copy of Order No. 190 dated 05.08.2023 as passed in Misc. Case No. 172 of 2014 by the learned Trial Court

whereby and whereunder the said Trial Court recorded the dismissal of Misc. Case No. 172 of 2014.

4. Such being the position, in considered view of this Court the instant revisional application has become infructuous in the meantime in view of the dismissal of the aforementioned Misc. case.

5. Accordingly, the instant revisional application being CO 4011 of 2022 along with interim applications being CAN 1 of 2023 and CAN 2 of 2023 are disposed of in the light of the observation made hereinabove.

6. Interim order, if there be any, stands hereby vacated.

7. It has been reported at the Bar that Title Suit No. 613 of 2013 as pending before the learned Civil Judge (Senior Division), 1st Court, Barasat, North 24 Parganas has reached the stage of argument.

8. Such being the position the learned Civil Judge (Senior Division), 1st Court, Barasat, North 24 Parganas is hereby directed to dispose of the Title Suit No. 613 of 2013 positively within a period of two months from the date of communication of this order.

9. Department is hereby directed to communicate this order to the learned Trial Court.

10. Department is further directed to forward a copy of this order to the learned District Judge, Barasat, North 24 Parganas with a direction to him to ensure by taking periodical report that the learned Trial Court shall carry out the order of this Court in letter and spirit within the

time framed which is mandatory in nature failing which learned Trial Court may face necessary consequences.

11. Parties to act on the server copies of this order.

12. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)