

C.O. 3782 of 2014

In the matter of : M/S. S.N. Roy & Sons Represented by
the Proprietor, Sri Pheludhan Roy

Mr. Netai Chandra Saha
Mr. Abhijit Chandra Majumder ... for the petitioner

Heard Mr. Saha, learned counsel appearing on behalf of
the petitioner.

It is submitted that the petitioner who happens to be the
defendant before the learned Trial Court died way back in
2016. There is no order of stay. Provision of Order 22 of
Code of Civil Procedure has not been pressed into service.

This revisional application has abated by operation of
law.

According to Mr. Saha, the dispute raised by the tenant /
petitioner under Section 7(2) of the West Bengal Premises
Tenancy Act, 1997 was not decided by the learned Trial
Court, but the petition was disposed of while deciding the
suit.

Be that as it may, this issue can be decided by the
learned Trial Court and the provision of Section 105 of Code
of Civil Procedure is there to protect the interest of the
defendant / tenant even in appeal.

This civil revision is thus disposed of being abated.

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

(Siddhartha Roy Chowdhury, J.)