

21.6.2023

ct. 236

sk,sl. 12

C.O. 3818 of 2014

Jahurul Islam @ Sk Jahurul Ismam-vs- Md Muslim

None appears on behalf of either of the parties.

The Hon'ble Supreme Court in Robin Thapa Vs

Rohit Dora, reported in AIR 2019 S.C.C. 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”.

This application under consideration challenges the Order No. 81 dated 16.9.2014. By the impugned order, learned trial court disposed of the application under Section 7(2) of the W.B.P.T.Act, 1997.

Since after filing of this application under consideration, none appears to move the application. For all practical purposes this revisional application has not been admitted. After elapse of nine years without any order of stay, there is every reason to presume that the suit itself has been disposed of or at least witness action is going on.

Be that as it may, considering the attending circumstances, this revisional application appears

to have lost its relevance and is not admitted. Thus the petition is dismissed.

(Siddhartha Roy Chowdhury,J)