

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

CS 117 OF 2022
IA NO. GA 1 OF 2022
IN THE MATTER OF:
RAJEEV SETHI AND ORS.
VS
MOAZ AHMED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 14th June, 2023.

Appearance:
Mr. Rahul Karmakar, Adv.
Mr. Arnab Sardar, Adv.
For plaintiffs/petitioners

The Court : The contempt petition along with the interlocutory application filed in the suit appeared in the list on 9th June, 2023 when the plaintiffs in the suit and petitioners in the contempt application expressed their intention to withdraw the suit as also the contempt application as the defendant has satisfied the plaintiffs in respect of the whole of the subject matter of the suit. On that date the defendant remained unrepresented and the suit was also not in the list and, as such, the plaintiffs were directed to serve a notice upon the defendant and a further direction was given for the suit being brought to the day's list.

Today, the suit along with the interlocutory application and the contempt application are appearing in the list.

The plaintiffs have served a notice upon the defendant, which is made over to Court and kept with the record. The defendant, despite such notice, remains unrepresented. However, considering the prayer of the plaintiffs and the previous order dated 9th June, 2023, I am inclined to take up this matter in the absence of the defendant.

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It is submitted by the plaintiffs that the suit is one for specific performance of an oral agreement for sale of a immovable property. The defendant has executed the conveyance and, as such, nothing remains to be adjudicated in the suit. The suit, therefore, be dismissed as withdrawn.

A written instruction given by the plaintiffs to their advocate-on-record by letter dated 5th June, 2023 for withdrawal of the suit placed before the Court is also taken on record.

Considering such prayer, the suit is dismissed as withdrawn without, however, any order as to costs.

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Since the suit has been dismissed as withdrawn, nothing further survives in this application and the same is also disposed of.

The interim order passed therein stands vacated.

(ARINDAM MUKHERJEE, J.)

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