

12.11.2024
Ct. No. 5
Sl. No.166
Saikat

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

CO/1030/2024

**Bideshi Tanti
Vs.
Gobinda Mondal & Ors.**

Mr. Vinay Kr. Purohit, Adv.
...For the Opposite Party

1. The present revisional application has been filed, *inter alia*, challenging the order dated 5th March, 2024 passed by the Civil Judge (Sr. Division), 1st Court, Alipore, South 24 Parganas in Misc. Case No.164 of 2022 in connection with the Title Execution Case No.42 of 2019 arising out of Title Suit No.10 of 2009 whereby, the application under section 47 of the Code of Civil Procedure filed by the defendant-judgment debtor, had been dismissed.
2. None appears in support of the revisional application though, Mr. Purohit, learned advocate appearing on behalf of the opposite parties submits that the plaintiffs/opposite parties had filed the suit being Title Suit No.10 of 2009 for evicting the defendants from the suit property. The said suit of the plaintiffs/opposite parties had been decreed by a judgment and decree dated 28th

June, 2019 thereby directing eviction of the defendant. Although subsequently, two title appeals were preferred before the learned District Judge being Title Appeal No.121 of 2019 and 122 of 2019, however, the judgment debtor instead of having the appeals heard out had filed application under section 47 of the Code of Civil Procedure.

3. By placing before this Court the order dated 10th May, 2024, passed in T. Ex. Case No. 42 of 2019 the learned advocate has submitted that the plaintiff decree holders/opposite parties had already obtained possession of the suit property with the help of Court Belief on full and final satisfaction. Recording the factum of satisfaction of the decree the T. Ex. Case has been disposed of. Let a copy of such order be taken on record.
4. Having regard thereto and considering the materials on record I find no scope of interference.
5. Accordingly, the revisional application being CO/1030/2024 stands dismissed.
6. There shall be no order as to costs.

(Raja Basu Chowdhury, J.)