

9. 04.01.
2024
Ct. 655
s.g.

**IA No. CAN 1/2019 (Old CAN 9126 of
2019), CAN 2/2019 (Old CAN 9127 of
2019), CAN 3/ 2019 (Old CAN 9128/2019)
in
C.O. 2800 of 2011**

**Kabita Dutta & Anr.
Vs.
Bimal Kumar Sutradhar @ Swapan Sutradhar**

**Mr. Aman Gupta
.... for the petitioners.**

An accommodation is prayed for on behalf of the
petitioners.

There is no representation on behalf of the
opposite party.

It is submitted that the petitioner No.2 namely,
Gour Chandra Dutta have already been died and his
heirs/legal representatives have not yet been substituted.

It appears that similar submission was made on
earlier occasions that petitioner No.2 have already been
died and his heirs/legal representatives are required to be
brought on record. Despite the direction given upon the
petitioner to take appropriate step and to serve notice
upon the opposite party they did not venture to comply
with the said direction passed by this Court.

It appears that the instant revisional application
is preferred challenging the impugned order dated 2nd
July, 2011 passed by the learned Additional District

Judge, Siliguri by which application filed by the appellant with a prayer of amendment of written statement was rejected. This instant revisional application is pending since the year 2011.

There is sufficient ground to believe that the present petitioners are no longer interested to proceed with the present case.

So, there is no justification to keep this case alive in the list.

Accordingly, the revisional application being C.O. No. 2800 of 2011 is dismissed for non-compliance of the order passed by this Court.

Consequently connected applications IA No. CAN 1/2019 (Old CAN 9126 of 2019), CAN 2/2019 (Old CAN 9127 of 2019), CAN 3/ 2019 (Old CAN 9128/2019) are also dismissed.

Interim order, if any, stands vacated.

There will be no order as to costs.

(Prasenjit Biswas, J.)

