

29.07.2024
(D/L-14)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2545 of 2024

Sanjoy Agarwal & Ors.
-Vs-
Anurup Roy & Ors.

Mr. Pradyumna Sinha,
Mr. Sannidhya Datta,
Ms. Anjali Roy,

... For the Petitioners.

Mr. Sourav Sain,
Mr. Triptimoy Talukder,
Mr. Dibyendu Ghosh,
Mr. Diptimoy Talukder,

.... For the Opposite Parties.

Affidavit-of-service filed on behalf of the
petitioners be kept with the record.

The defendants in a suit for eviction are the
petitioners of the instant revisional application
under Article 227 of the Constitution of India
which is directed against order dated May 07,
2024 passed by the 1st Court of learned Civil
Judge (Senior Division), Alipore, District: 24-
Pargans (South) in the said suit being *Title Suit*
No. 65 of 1982.

The learned Trial Judge by the order
impugned has allowed an application under Order
XXIII Rule 1 of the Code of Civil Procedure filed by
the plaintiffs, the opposite parties herein.

Mr. Sinha, learned advocate for the petitioners
submits that such permission to withdraw the suit

was granted pending disposal of an application for recalling of P.W.1, he prays such permission may be granted, but after allowing the petitioners to cross-examine the P.W.1 on recall.

There is nothing on record to suggest that the permission to withdraw the suit was granted to the detriment of the defendants to any right(s) already accrued to them in the suit; the order impugned, therefore does not call for any interference.

C.O. 2545 of 2024 is therefore disposed of with the above observations without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)