

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 2732 of 2022

Smt. Aditi Mondal & Anr.
Vs.
Amit Chatterjee & Anr.

Mr. Swapan Kumar Pal
... For the petitioners/plaintiffs

1. Affidavits of service filed in Court today are taken on record.
2. In spite of service, none appears on behalf of the opposite parties.
3. This revisional application under Article 227 of the Constitution of India has been filed challenging the order dated 5th July, 2022 passed in connection with Ejectment Suit No.237 of 2009, wherein the learned Judge, Presidency Small Causes Court, 2nd Bench, Calcutta, allowed the defendant no.1 to deposit the arrears of rent from the month of November, 2017 till December, 2019 at the rate of Rs.70/- per month along with interest in total Rs.2,002/- and also directed to deposit the current rent on and from the month of January, 2020.
4. Learned counsel appearing on behalf of the petitioners has submitted that this order cannot be passed sitting in a suit on limited remand.

5. However, learned counsel appearing on behalf of the petitioners has submitted that the learned Judge, Presidency Small Causes Court, 2nd Bench, Calcutta, has already decreed the Ejectment Suit No.237 of 2009 by a judgment and decree dated 12th December, 2023.

6. Given facts and circumstances, the instant revisional application has become infructuous and the same stands disposed of with liberty given to the petitioners/landlords to raise this issue in the appeal, if preferred, against the judgment and decree.

7. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)