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17.09.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. No. 3285 of 2024

**Shri Sanjib Sarkar
Vs.
The State of West Bengal & Ors.**

Mr. Amitava Mukherjee,
Ms. Arpita Saha,
Ms. Ankita Ghosh ... For the petitioner.

The plaintiff in a suit for declaration is the petitioner of the instant application under Article 227 of the Constitution of India, which is directed against the Order No. 35 dated May 10, 2024 passed by the learned Judge, VIIth Bench, City Civil Court at Calcutta in the said suit being *Title Suit No. 651 of 2014*.

The learned Trial Judge by the order impugned has expunged the names of defendant nos. 1 and 2 from the array of defendants in the said suit.

The following two paragraphs of the plaint would demonstrate that there is no privity of contract between the plaintiff and the defendants so expunged:-

“1. That a job of excavation and desilting of Mandarmoni Cannel from Banshal Ghat to Jalda Mohana with P.S. – Ramnagar, District – Purba Medinipur was allotted by Nabard Authority to Sri Ashis Dhawa. The approximate cost for the project was around Rs. 13,50,00,000/- [Rupees Thirteen Crores Fifty Lakhs] only.

2. That the plaintiff was engaged by Sri Ashis Dhawa to execute the job on his behalf and accordingly the plaintiff started the work by employing more than 60 persons and machineries at his own cost. The said work was started in the

month of November, 2009 and completed to the extent of 3 K.M. out of total 5 K.M. Said Ashis Dhawa was to pay the recurring cost in proportion to the job executed but he never paid the said money to the plaintiff on the pretext that he was yet to receive the running bills from the authority.”

That apart, no relief has been sought for against the said defendants, therefore the order impugned does not call for any interference.

C.O. 3285 of 2024 is disposed of with the above observations without any order as to costs.

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.)