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FRIDAY

Court : 655
Item : DL-24
Matter : CO
Status : DD
Bench ID : 266053
Transcriber : NANDY

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 3970 of 2011

Kundan Singh
Vs.
Avoy Roy & Ors.

Mr. Sanat Kumar Roy, Advocate

.....for the Opposite Parties

1. The opposite parties are represented. There is no appearance on behalf of the petitioner.
2. The instant revisional application is filed challenging the impugned order dated 08.09.2011 passed by the learned Trial Court in connection with Title Suit No. 26 of 2007.
3. Being aggrieved and dissatisfied with said the impugned order, the defendant/petitioner has preferred the instant revisional application.
4. On earlier occasion, the petitioner was directed to take appropriate step on the event of death of the opposite party no. 1 but no steps have been taken by the petitioner.
5. On earlier date, it was submitted on behalf of the petitioner that the suit pending before the Trial Court has already been dismissed for default and an application is taken out on behalf of the plaintiff with a prayer to restore the same to its original file and number.
6. Today at the time of hearing, learned Counsel for the opposite parties filed a photocopy of the order dated 28.02.2004 passed in connection with Misc. Case No. 102 of 2019 wherefrom it appears that the application under Order IX Rule 9 of the Code of Civil Procedure was allowed by the Trial Court. It further appears that submission was made on

earlier date that during the pendency of the case some of the parties to this proceedings have already been expired and as such the petitioner was directed to take appropriate steps on the event of death of such parties.

7. The instant suit was instituted by the plaintiff in the year 2007 and since then it is pending and till date it has not yet been disposed of.
8. Taking note of all the facts and the pendency of the case for a long time, I am inclined to hold that there will be no justification in keeping the instant revisional application alive in the list.
9. The same being **CO 3907 of 2011** is **dismissed for default**. However, there shall be no order as to costs.
10. Interim order, if there be any, shall stand vacated.

(Prasenjit Biswas, J)