

16.05.2024
Item No.21
Court No.655.
S. De

C.O. 4090 of 2011
Anima Dey & Anr.
Vs
Soumitra Dey & Anr.

Mr. Amrita Lal Dhar,
...for the opposite party no.1.

1. Petitioners are not represented.
2. Learned counsel appearing on behalf of the opposite party no.1 is present. Rest of the opposite parties are not represented.
3. This instant revisional application is filed under Article 227 of the Constitution of India challenging the impugned order dated 01.11.2011 passed by the learned Trial Court in connection with Title Suit No.2686 of 2009.
4. By passing the impugned order, learned Trial Court rejected the application filed by the present petitioners who are the defendants in the said Title Suit filed under Order VII Rule 11 of the Code of Civil Procedure.
5. Being aggrieved and dissatisfied with the said impugned order, the present revisional application is preferred at the behest of the petitioners.
6. It appears that during pendency of this revisional application, petitioner no.1 has expired and liberty was given to the other petitioners to take appropriate steps to bring the heirs/legal

representatives of the said deceased/petitioner no.1 on record. Despite the said direction passed by this Court, it has not been complied with by the petitioners.

7. It appears that the present revisional application is pending since the year 2011. It further appears that the present petitioners have lost interest to proceed with the present case and as such there is no justification to keep this revisional application alive in the list.

8. So, there is no option left but to dismiss the present revisional application.

9. Accordingly, C.O. No.4090 of 2011 is, hereby, dismissed for default.

10. Interim order, if any, stands vacated.

11. There will be no order as to costs.

(Prasenjit Biswas, J.)