

Ct. No.
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10.07
2024

IN THE CIRCUIT BENCH OF CALCUTTA
HIGH COURT AT JALPAIGURI
Civil Revisional Jurisdiction

C.O. 47 of 2024
Sanatan Mandal
-Versus-
Dalim Roy

Mr. Saumyajyoti Dutta
Mr. Gopal Sah **...For the Petitioner**

The present application has been preferred by the petitioner against the order dated 11th May, 2023 passed by learned Civil Judge (Junior Division), 2nd Court, Jalpaiguri.

Present petitioner as plaintiff filed Title Suit No. 149 of 2003 before the Civil Judge (Junior Division), 2nd Court, Jalpaiguri, which was disposed of on 21st February, 2006. The judgment debtor preferred an appeal, being Title Appeal No. 9 of 2006 before the Appellate Court and the Appellate Court was pleased to remand the suit for fresh trial. Thereafter, the record of the Title Suit No. 149 of 2003 and the copy of the order of the 1st Appellate Court was stated to be not traceable and for which the petitioner filed an application under Rule 447 of the High Court Civil Rules and Order seeking reconstruction of record which was registered as Misc. Case No. 30 of 2017. By the impugned order learned Court held that Misc. Case under Rule 447 is meritless and liable to be rejected.

However, during pendency of this application, this Court called for a report from the learned District Judge, Jalpaiguri, as to whether the concerned record is still misplaced or it has be traced in the meantime. Learned District Judge, by his report dated 9th July, 2024 submitted that the file of Title Appeal No. 9 of 2006 and the record of Title Suit No. 149 of 2003 are lying in the Court of Civil Judge (Junior Division), 2nd Court, Jalpaiguri and the next date is fixed on 1st August, 2024.

In such view of the report, the present application has become infructuous.

The application, being C.O. 47 of 2024 is dismissed being infructuous.

(Ajoy Kumar Mukherjee, J.)