

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS/135/2024

NARESH KUMAR BATTOO
-VS-
BHARAT GIRDHARDAS MANSATA AND ORS

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : July 24, 2024.

Appearance:
Mr. S.N. Ghosh, Adv.
... for the plaintiff

The Court: The plaintiff has filed the present suit praying for the following reliefs :-

- “a) For a decree declaring that the Deed of Settlement dated 8th April, 1949 executed by Krishna Manini Miitra (since deceased) is binding on all the parties.
- b) For a further decree declaring that the deed of conveyance dated 16th November, 1962 in respect of the properties mention in Schedule A and Schedule B to the plaint be declared null and void.
- c) That it be further declared that the defendant has no right, title and interest in respect of the suit properties mentioned in Schedule A and Schedule B to the plaint.
- d) The plaintiff and the proforma defendant be declared as sub-lessees in respect of the suit properties mentioned in Schedule A and Schedule B to the plaint.

- e) For a further declaration that the learned Special officer if any appointed by this Hon'ble Court in C.S.No. 208 of 2018 be discharged after handing over possession in respect of suit properties to the plaintiff mentioned in Schedule A and Schedule B to the plaint.
- f) For appointment of Receiver.
- g) Costs.”

As the plaintiff has not prayed for any relief from this Court, accordingly, the matter was placed before the learned Master for admission. Learned Master has submitted the report dated 14th May, 2024 stating that the plaintiff has not explained the delay though the plaintiff has prayed for a decree declaring the deed of conveyance dated 16th November, 1962 as null and void.

When the matter is placed before this Court, learned counsel for the plaintiff prays for withdrawal of the suit. Accordingly, the plaintiff is allowed to withdraw the suit with liberty file afresh, if any further cause of action arises.

CS/135/2024 is dismissed as withdrawn.

(KRISHNA RAO, J.)