

M/L- 31  
01/09/2025  
Ct. No.-6  
Aritra

**C.O. 4340 of 2024**  
**Chandan Banerjee & Ors.**  
**Vs.**  
**Sanjay Malik & Ors.**

Mr. Kushal Chatterjee  
Mr. Tauhid Khan  
Mr. Atanu Halder

....for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendant Nos.3, 4 and 5 and is directed against an order being No.25 dated October 4, 2024 passed by the learned Additional District Judge, Fast Track, 2<sup>nd</sup> Court at Howrah in Miscellaneous Appeal No.147 of 2022.

By the order impugned the application for stay of operation of the order passed in the suit stood rejected and the miscellaneous appeal was fixed for hearing.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that subsequently by an order dated May 15, 2025 the miscellaneous appeal stood dismissed. The said order is under challenge in C.O. No.2337 of 2025 and this Court after admitting the said civil revision application passed an order of stay on July 1, 2025.

Since the order dismissing miscellaneous appeal is under challenge in C.O. No.2337 of 2025 nothing survives to be decided in C.O. No.4340 of 2024.

In view thereof, CO 4340 of 2024 stands disposed of as infructuous.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

***(Hiranmay Bhattacharyya, J.)***