

CO/4282/2013

**NANI GOPAL DAS
VS.
DEBA PRASAD BHATTACHARYA**

Mr. Biswarup Biswas, Adv.
Ms. Nupur Choudhuri, Adv.

...For the Opposite Party No.2

1. Mr. Biswas, learned advocate appearing on behalf of the opposite party No.2 has submitted that this revisional application has become infructuous, which is recorded in the order dated 26th February, 2024, by a co-ordinate Bench of this Court.
2. On perusal of the said order it transpires that the suit pending before the trial court has already been decided on the ground that the plot of land in question was taken possession by the Government in view of the provision of the National Highways Act, 1934 and prayer for opposite party was to dismiss this revisional application outright. However, subsequently, in the month of April, 2024, in presence of both the learned advocates for the parties the matter was heard and direction was given to both the learned advocates on behalf of the parties to file a photocopy of the relevant documents in support of their contention. After that, on 15th May, 2024, the learned advocate appearing on behalf of the petitioner prayed for an accommodation when the learned advocate for the opposite party No.2

subsequently submitted that because of the pendency of this revisional application, the compensation case which is pending before the learned court cannot be proceeded with.

3. Today none appears on behalf of the petitioner.

4. Since long pendency of the matter it appears that the petitioner is not willing to proceed with the matter and further considering the submission made by the learned advocate appearing on behalf of the opposite party No.2, this court finds no reason to keep the matter pending further.

5. Hence, the civil revisional application is dismissed for default.

[Chaitali Chatterjee (Das), J.]