

N.22Sl

151/CL
17.06.26
D/L
Sl-03
Ct. 06
(S.R.)

CO. 764 of 2026

George Clayton Dixon
Vs.
Jayesh Karia & Anr.

Mr. Rohit Das,
Mr. Indradip Das,
Mr. Preetam Majumdar,

... for the petitioner.

Mr. Probal Mukherjee, Sr. Adv.
Mr. Supriya Chattopadhyaya,
Ms. Debosri Chatterjee,

1. This revisional application assails an order dated January 17, 2026 passed by the learned Judge, Bench – VII, City Civil Court at Calcutta in Misc Case No.2147 of 2019 arising out of Ejectment Execution Case No.135 of 1983 pending before the learned Judge, Bench – VII, City Civil Court at Calcutta.
2. This matter was taken up yesterday (i.e. on 16.06.2026) and an order was dictated thereby setting aside the impugned order and directing the learned Executing Court to reconsider the matter in the light of the evidence that may be adduced by the parties in the light of the affidavit-in-opposition filed by the opposite parties in Court on June 16, 2026 itself.
3. However, a little later on the same day (i.e. on June 16, 2026), even before the said dictated order could

be transcribed, Mr. Mukherjee, learned senior advocate appearing for the opposite parties mentioned the matter stating that he was unaware that Misc. Case No. 2147 of 2019 in which the order impugned was passed, had itself been disposed of on April 18, 2026 and produced a copy of such order. Mr. Mukherjee was requested to inform Mr. Das about the same and in presence of Mr. Das the matter was directed to be listed today.

4. The matter is accordingly appearing under the heading "To Be Mentioned" today. As the Misc. Case No. 2147 of 2019 owes its genesis to an application under Order 21 Rule 97 of the Code of Civil Procedure, 1908, therefore an order disposing of the said Misc. Case filed under Order 21 Rule 97 of the Code would be appealable under Order 21 Rule 103 of the Code by the person aggrieved.
5. Since the Misc. Case itself has been disposed of therefore aforesaid nothing survives to be decided on the present revisional application.
6. With the aforesaid observations, CO 764 of 2026 stands disposed of. The Affidavit in opposition affirmed on June 16, 2026 and filed on behalf of the opposite parties in Court on the same day, shall remain with the records. No costs.
7. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)