

C.O. 3112 of 2022

01.07.2026

Sl no. 17

Ct no. 2

P.M.

Smt. Gora Chand Ghosh

- Vs -

Smt. Gopa Saha & Anr.

Mr. Rakeshwar Dey Sarkar

... for the petitioner.

1. Present petition has been filed challenging the order dated 8th April, 2022 whereby application of the petitioner/defendant No. 1 for set aside the ex-parte order was dismissed.
2. Learned counsel for the petitioner submits that subsequently the learned Trial Court passed an ex-parte decree vide order dated 29th November, 2024 and the decree dated 16th December, 2024.
3. Learned counsel submits that the petitioner/defendant No. 1 had moved an application under Order 9 Rule 13 CPC for setting aside the ex-parte decree vide Misc Case No. 18 of 2025 and the said petition is pending disposal ends at the stage of evidence. Since the ex-parte decree has already been passed in Title suit No. 103 of 2017 the present petition has become infructuous.
4. Hence this petition is disposed of.

5. However, this Court has not gone into the merits of the case and no expression made herein shall tantamount to be in expression on the merits of the case.
6. Learned Trial Court shall consider and decide the Misc. Case No. 18 of 2025 independently without being influenced by the order of this court.
7. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dinesh Kumar Sharma, J.)