

MC 1994/2009

BEFORE

THE HON'BLE MR. JUSTICE B.P. KATAKEY

It has been submitted at the bar that though the applicant filed the memorandum of appeal together with an application for condonation of delay challenging the judgment and order dated 08.03.2007 passed by the learned Civil Judge (Senior Division), Dhubri, in Title Appeal No.20/2004, whereby and whereunder the judgment and decree dated 05.05.2003 passed by the learned Trial Court in Title Suit No.103/2002 had been set aside and the suit was remanded for fresh trial by framing an issue, which was subsequently renumbered, after remand, as Title Suit No.178/2007, has in the meantime been tried and decided vide judgment and decree dated 21.12.2009 and as such nothing is left to be decided in the appeal preferred and so also the condonation application as well as the application seeking restoration of the condonation application to file.

The learned counsel for the parties have also produced the copy of the judgment and decree dated 21.12.2009 in the aforesaid Title Suit No.178/2007 passed by the learned Munsiff, Bilasipara, which is kept on record.

In view of the above, Misc. cases as well as the appeal stands dismissed

.