

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Miscellaneous Appellate Jurisdiction)
M. A. No. 93 of 2008

.....
M/s B. N. Khirwal Mines Pvt. Limited Company. **Appellant**
Versus

1. Mitra Ghose, W/o Late Salil Kumar Ghose, residing at 98, Dr. Sundari Mohan Avenue, Kolkata-700014
2. Samir Kumar Ghose, S/o Late Manindra Nath Ghose, residing at 98, Dr. Sundari Mohan Avenue, Kolkata-700014

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

For the Appellant : Mr. Jai Prakash, Sr. Advocate
	: Mr. Yogesh Modi, Advocate
For the Respondents	: Mr. Sachinandan Das, Advocate
	: Mr. Shashi Kumar Verma, Advocate

12/09.07.2020

Heard, learned senior counsel for the appellant, Mr. Jai Prakash assisted by learned counsel, Mr. Yogesh Modi and learned counsel for the respondents, Mr. Sachinandan Das assisted by learned counsel, Mr. Shashi Kumar Verma.

At the very outset, learned counsel for the appellant has submitted that the impugned order is an order passed by learned Sub-Judge-I, Chaibasa directing the office to return the plaint to the plaintiff because of lack of jurisdiction to try the case.

Learned counsel for the appellant has fairly submitted that presently this appeal has become infructuous as Government has already cancelled the lease of the mining and as such, the issue has become insignificant for the parties, as such, does not want to press this Miscellaneous Appeal.

Learned counsel for the respondents has no objection.

Considering the submissions of the parties, the instant Miscellaneous Appeal is dismissed as infructuous.

(Kailash Prasad Deo, J.)

Sunil-Jay/