

D/L. 21.
March 24, 2026.
MNS.

FAT No. 3 of 2026
+
CAN 1 of 2026
+
CAN 2 of 2026

Sri Biswajit Halder and others
Vs.
Sk. Rabiul Islam and others

Mr. Siva Prasad Ghose,
Mrs. Neha Roy

... for the appellants.

Mr. Rabindra Narayan Dutta,
Mr. Sibasis Ghosh,
Ms. Debjani Bandopadhyay,
Mr. Arkoday Mukherjee

...for the respondent nos. 1 to 5.

1. Learned counsel for the appellants submits that the delay occasioned in preferring the present appeal was due to no summons of the suit, against the preliminary decree passed in which the present appeal has been preferred, having allegedly been served on the appellants.
2. It is submitted that the first knowledge of the appellants accrued from their appearance before the concerned Block Land & Land Reforms Officer (BL & LRO) when the plaintiffs/respondents sought to correct the records of rights pursuant to the impugned decree.
3. Moreover, initially an appeal was prepared for being filed before the concerned District Court, which was returned on the ground that the learned District Judge did not have pecuniary jurisdiction to take up the appeal, which led to further delay in preferring the appeal.

4. Learned counsel for the plaintiffs/respondents opposes the contentions of the appellants and contends that summons of the suit was duly served on the appellants.

5. In order to bring on record the necessary particulars of the pleadings and documents in that regard, the plaintiffs/respondents seek an opportunity to file affidavit-in-opposition to the application.

6. Accordingly, the plaintiffs/respondent nos. 1 to 5 are directed to file affidavit-in-opposition to CAN 1 of 2026 within a fortnight from date.

7. Affidavit-in-reply thereto, if any, shall be filed by the appellants within a week thereafter.

8. The applications shall next be listed on April 21, 2026.

(Supratim Bhattacharya, J.) (Sabyasachi Bhattacharyya, J.)