

**21.03.2025
Item no.06
Court No.50**

**Sukesh @ Sukes Ghosh & Ors.
Vs.
Sahadeb Basak @ Tanti & Ors.**

Ld. Advocate Mr. Tarak Nath Halder appears for appellant.

Seen the report of the superintendant of 'SR' section, wherein the following defect is mentioned in the instant appeal:

1. The instant appeal is barred by limitation by 846 days. But, no application for condonation of delay under section 5 of 'Limitation Act' has yet been filed.
2. The appellant nos. 5 to 9 in the cause title of the instant memo of appeal are the legal heirs of late Rifu Ghosh (appellant no. 1 in the Ld. First Appellate Court) who breathed his last after passing the decree of the First Appellate Court.
3. The First name of the appellant no. 5 (Sanjoy Ghosh) and respondent no. 6 (Santi Basak) in the certified copy of the decree on appeal do not tally with those (Sanjay Ghosh & Khanti Basak respectively) in the certified copy of the decree on appeal may be sent back to the Ld. First Appellate Court, i.e. the Court of Ld. ADJ, 5th Court, Malda for necessary Correction.
The Ld. Advocate for the appellants may also be requested to effect rectification in the cause title of the instant memo of appeal once the rectified decree come back.
4. The certified copy of the decree of the Ld. Trial Court bears wrong date of judgement of that court in the page no. 3 under the phrase 'Given under my hand and seal of this court...' and calls for rectification in the light of Order 20, Rule 7 C.P.C.

Ld. Advocate for the appellant submits that he has filed an application under Section 5 of 'Limitation Act', which was registered as CAN 01/25 on 18.03.25.

However, the Ld. Advocate also undertakes to rectify the defect mentioned in point no. 2 for which four weeks time is given.

As regards the defect mentioned in point no. 3, let the certified copy of the decree on appeal be sent back to the 5th Court of Ld. ADJ, Malda for necessary correction and as regards defect no. 4 the certified copy of the decree be sent back to the 2nd Court of Ld. Civil Judge, (Sr. Divn), Malda for necessary rectification as noted above.

Ld. Courts are requested to retransmit the corrected certified copy of this Hon'ble Court within four weeks from the date of receipt of this order.

(Kallol Chattopadhyay)
Registrar Administration (L&OM)