

31.10.2022
Item No.07
Court No.32
Avijit Mitra

**FAT 84 of 2022
with
IA No. CAN 1 of 2022
with
IA No. CAN 2 of 2022**

**Sri Rabindra Nath Mondal & ors.
- Versus -
Lakshmikanta Parmanya & ors.**

Mr. Partha Sarathi Roy,
Mr. Dyutiman Banerjee
....for the appellants
Ms. Kabita Rani
...for the respondents

In the application for injunction being IA No. CAN 1 of 2022, an order was passed on 28th July, 2022 by a Co-ordinate Bench of this Court directing the appellants to deposit an amount of Rs.10,00,000/- (Rupees Ten Lakh) only with the Registrar General, High Court, Calcutta within a period of four weeks. It was also directed that there shall be an unconditional stay of all further proceedings in the Title Execution Case No.3 of 2022 for a period of four weeks.

The appellants have not deposited the amount, as directed by the order dated 28th July, 2022.

In view thereof, the order of stay granted on 28th July, 2022 is vacated and the application for injunction being IA No. CAN 1 of 2022 is dismissed.

The pendency of the present appeal shall not prevent the learned Court below to proceed with the Title Execution Case no.3 of 2022.

Let the hearing of the appeal be expedited.

As Ms. Rani has entered appearance on behalf of the respondents, service of notice of appeal upon the said respondents is dispensed with.

Lower Court Records be called for through Special Messenger at the cost of the appellant. Such costs shall be deposited by the appellants within two weeks.

Immediately, after arrival of the Lower Court Records, the office shall examine the same and, if found complete, shall issue notice of arrival of Lower Court Records to the learned advocate appearing for the appellants.

The appellants are directed to prepare requisite number of informal paper books-printed, typewritten or cyclostyled, as the case may be, out of Court, within four weeks from the date of service of notice of arrival of Lower Court Records and to file the same after serving copies thereof upon the learned advocates appearing for the respondents.

All formalities regarding preparation of paper books are dispensed with but the learned advocate for the appellant shall incorporate all the relevant documents in the informal paper books.

Accordingly, the application for appropriate order being IA No. CAN 2 of 2022 is disposed of.

Liberty to mention.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)