

D/L.35.
April 28, 2025.
MNS.

FAT No. 154 of 2025
+
CAN 1 of 2025

Anup Bera
Vs.
Smt. Supriya Bera

Mr. Asraf Ali

... for the appellant.

1. We find that the present appeal has been preferred against a final order passed under Section 25 of the Guardians and Wards Act.
2. Since the impugned order is not a decree, no regular First Appeal lies.
3. The provision of appeal contemplated in the said statute speaks about an appeal against such an order. Such an appeal, being from an order and not a regular decree passed in a civil suit, has to be classified as a First Miscellaneous Appeal.
4. Accordingly, the office is directed to reclassify the appeal as a First Miscellaneous Appeal and allot an FMAT number thereto. Such exercise shall be completed within a week from date.
5. The appeal be next listed for hearing under Order XLI Rule 11 of the Code of Civil Procedure on May 6, 2025.
6. On the prayer of learned counsel for the appellant, leave is granted to the learned Advocate-on-record

for the appellant to carry out the necessary corrections in the Memorandum of Appeal during the course of the day.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)