

2nd July,
2025
(AK)
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F.M.A. 659 of 2025
IA No: CAN 1 of 2025

Swapan Belel
Vs.
Tapan Belel and others

Mr. Subarna Bank
...for the appellant.
Mr. Aniket Mitra
Mr. Tapas Singha Ray
...for the respondent nos.1 and 2.
Mr. Biswarup Chatterjee
...for the proforma respondent nos.10-14.

1. Learned counsel for the proforma respondent nos.10 to 14 seeks an opportunity to file an affidavit-in-reply/rejoinder to the affidavit-in-opposition used by the respondent nos.1 and 2 to CAN 1 of 2025.
2. Learned counsel for the appellant seeks an extension of the time to file affidavit-in-reply on the ground of sickness of learned counsel for the appellant.
3. Learned counsel for the respondent nos.1 and 2 seriously opposes the prayer for adjournment and contends that the construction intended by the

respondent nos.1 and 2, which has already been started, is being unnecessarily stalled indefinitely due to the prolongation of the matter in view of the adjournments sought by the appellant.

4. It is further submitted that a probate was granted long back but the said fact was suppressed by the appellant in their application.
5. Be that as it may, since the proforma respondents, who were the plaintiffs in the suit before the trial court, have every right to use a rejoinder and bring their own pleadings on record, the respondent nos.1 and 2 are directed to serve a copy of their affidavit-in-opposition on the learned Advocate for the proforma respondent nos.10 to 14 during the course of the day. Rejoinder/reply, if any, shall be filed by the proforma respondent nos.10 to 14 to the said opposition within a week from date.
6. The time for filing reply by the appellant is also extended for a week.
7. The issues urged by learned counsel for the respondent nos.1 and 2 are kept open for being adjudicated at the time of disposal of the application and/or the appeal.

8. The application shall next be listed for hearing on July 8, 2025.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)