

08 29.11.23

Ct. No. 04

akd

S.A.T. 63 of 2023

CAN 1 of 2023

**Sri Ashit Ghosh Mullick
Vs.
Tarun Ghosh Mullick & Ors.**

**Mr. Dyutiman Banerjee.
... for the appellant.**

The instant appeal arises from an order by which an application under Section 5 of the Limitation Act in filing the regular First Appeal under Section 96 of the Code of Civil Procedure is rejected.

Considering the scope of the instant Second Appeal, we intend to deviate from regular process to secure the ends of justice without admitting the appeal and we feel that justice would be sub-served if the respondents are served with a copy of the application so that on the returnable date the matter may be disposed of at the admission stage.

Accordingly, we direct the appellant to serve copy of the application being CAN 1 of 2023 upon the respondents by speed post and shall file the affidavit of service on the returnable date.

List the matter after two weeks.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

