

07.10.2024  
Crt. No.4  
Item No. 7  
PA

**SAT 80 of 2024**  
**With**  
**IA No. CAN 1 of 2024**

**Sri Bikash Sarkar**  
**Versus**  
**Sri Parimal Kumar Deb & Ors.**

Mr. Ayan Banerjee  
Ms. Debjani Sengupta  
Ms. Paulomi Ghosh  
...For the petitioner.

Mr. Sanjib Kumar Mukhopadhyay  
Ms. Bama Ray  
Ms. Apurupa Bhattacharya  
Ms. Nargish Parveen  
....for the respondent

This appeal will be heard on the following  
substantial question of law:

1. Whether existence or non-existence of  
“sufficient cause” for condoning delay in  
filing appeal before the First Appellate Court  
is to be considered with reference to the  
period beginning from the date of decree  
passed by the original Court; or an event,  
even prior to institution of the suit, being the  
issuance of notice regarding institution of  
the suit?
2. Whether the finding by the First Appellate  
Court regarding petitioner’s appeal being

barred by delay on account of delay of 4 years calculated from the date of issuance of notice, regarding institution of the suit, even prior to institution of the suit is vitiated on the ground of perversity?

Issue usual notice.

Let the records of the Trial Court and the First Appellate court be called for through special messenger at the cost of the appellant. Let such cost be deposited within a week.

The **department** is directed to take immediate steps after deposition of the cost for special messenger as regards to obtaining the aforementioned records.

Office is further directed to examine the records after arrival of the same and if found to be complete shall serve notice upon the Ld. Advocate for the appellant.

The appellant shall prepare the requisite number of informal paper books within a period of 3 weeks from the date of receipt of notice of arrival of the said records.

Liberty to mention.

### **CAN 1 of 2024**

The respondents have already entered appearance.

The appellant is directed to serve copy of the application to the respondent.

Let the said application be heard by the appropriate Bench.

The matter to appear before the appropriate Bench for hearing.

**(Madhuresh Prasad, J.)**

**(Supratim Bhattacharya, J.)**