

12.02.2025
Item no.09
Court No. 50

Bikash Sarkar
Vs
Parimal Kr. Deb & Ors.

Ld. Advocate Mrs. Debjani Sengupta appears for appellant.

Ld. Counsel for the respondent is also present and submits that in terms of the direction of the Hon'ble Court, the appellant was directed to put talabana cost after arrival of T.C.R.

Ld. Counsel further submits that she has already put the special messenger cost for bringing the T.C.R and as T.C.R has not yet been received, she could not put the talabana.

Ld. Counsel for the Caveator or appears and submits that one of the respondent has already died and he needs further instruction to ascertain the name of the parties in connection with the instant appeal.

Perused the office report dated 06.02.2025.

It transpires from the office report Ld. Advocate Mr. Sanjib Mukherjee has filed a vokalatnama with Caveat on 06.5.2024 where name of Pratima Deb and Suman Deb are not found in the memo of appeal.

It is also reported that respondent nos. 1, 3 and 4 have properly signed on the said vokalatnama.

It is further reported that appellant has not yet filed a vokalatnama and written up notice form for causing service of notice of appeal upon the respondent nos. 2, 5, 6 and 7 as yet.

In view of the submission made before this court, it appears that both the appellants and Caveat or are appearing in this case and there are some defects as indicated hereinabove which is required to removed at once.

It further appears from the case record that by virtue of the order of the Hon'ble Court dated 07.10.2024 the T.C.R was called for at the cost of the appellant and such cost was directed to be deposited within one week from date.

It also appears that Special Messenger cost for bringing the T.C.R was deposited on 27.11.2024, i.e. beyond the stipulated period as directed by the Hon'ble Court dated 07.10.2024.

As such, though the Special Messenger cost was deposited by the appellant for bringing the T.C.R , but the same could not be accepted as the same was filed beyond the stipulated period of time as directed by the Hon'ble Court.

Hence, let the matter be placed before the Hon'ble Bench for necessary direction.

(Nabanita Ray)
Registrar Administration (L&OM)