

06.05.2026.
Item No. 31.
Court No. 13
ap

F.A.T. No. 282 of 2016
With
I.A. No. CAN/1/2026

**Smt. Gita Basu being dead represented by her heirs
and legal representatives Sukla Basu & Anr.**
Versus
Sri Bipin Doshi

Mr. Sounak Bhattacharyya,
Mr. Sounak Mandal,
Ms. Bipasha Bhattacharyya.

...For the appellants.

1. Affidavit-of-service filed in Court today be taken on record. Affidavit-of-service indicates that the postal service has been returned with the endorsement no such person is found.
2. It is submitted by Mr. Bhattacharyya, learned Counsel appearing on behalf of the appellants that before the Executing Court being Title Execution Case No. 105 of 2016, a draft decree dated 27th November, 2025 along with a draft Deed of Conveyance showing the PAN number, Mobile number, Aadhaar number and address of the respondent as 29/A, Gobinda Bose Lane, Police Station – Bhowanipur, Kolkata – 700 025 is mentioned.
3. The learned Advocate-on-record of the respondent has also communicated to the appellants that he has no instructions to receive notice of this appeal from the respondent.

4. This Court's mind is not free from doubt that the respondent may be avoiding service of the pleadings in the appeal.

5. In that view of the matter, the impugned judgment and decree dated 30th March, 2016 and the Title Execution Case No. 105 of 2016 shall remain stayed until disposal of the appeal.

6. The appellants shall communicate a copy of this order to the Trial Court.

7. CAN 1 of 2026 shall stand disposed of.

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8. Issue usual notice.

9. Call for the records.

10. The lower court's record be called for by special messenger at the cost of the appellants. Such cost should be deposited in course of this week.

11. The concerned department will take steps for bringing the lower court's record immediately on deposit of such special messenger's cost. The concerned department is further directed to examine the lower court's record immediately on receipt of the same from the Court below.

12. The concerned department is directed to serve a notice of arrival of lower court's record upon the learned advocate-on-record of the appellants immediately after the record is examined and found complete.

13. The appellants are also directed to prepare and file the requisite number of informal paper books within six weeks from date in the concerned department. All formalities regarding preparation of paper books are dispensed with.

14. Since the defendants/respondents have not entered appearance in this appeal, let a service of notice of appeal including all pleadings in the appeal upon the defendant/respondent be effected on him. The appeal, thus, be treated ready as regards service.

15. The appellants are further directed to serve a copy of the said paper book upon the respondent/opposite party and/or his learned advocate-on-record of the respondent immediately thereafter.

16. Liberty is given to the learned advocate for the parties to mention the matter for early hearing of this appeal after the appeal is made ready for hearing.

17. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)