

03.04.2024
Crt. No.21
Item No.24
KB

**S.A.T. 137 of 2022
with
IA NO. CAN 3 of 2023**

**Dr. Aroon Kumar Chatterjee
Vs.
Sri Partha Sarathi Banerjee & Anr.**

Mr. Shounak Mukhopadhyay
Mr. Shouveek Roy
Mr. Niket Ojha
... For the appellant.

Mr. Kushal Chatterjee
Mr. Subhasish Mitra
Mr. Shibjit Mitra
... For the respondents.

The appellant and the respondents are being represented.

The learned counsel representing the respondents submits that the application being CAN 3 of 2023 was filed seeking direction to comply the order dated 19.12.2022.

He further submits that the learned counsel representing the appellant has complied the direction of the Hon'ble Division Bench.

Considered the submissions of learned counsel.

As the direction given by the Hon'ble Division Bench has already been complied, so the application

being **CAN 3 of 2023** has become infructuous as such it is being **disposed of** and as such no interim application is pending for hearing.

From the order dated 19.12.2022 of the Hon'ble Division Bench, it transpires that at that point of time the record of the trial court and the first appellate court was dispensed with but it has also been mentioned that the records may be called for at the time of hearing of the instant appeal.

Time has arrived for hearing of the instant appeal as such the records of the trial court being disposed of by Civil Judge (Junior Division), 6th Court, Alipore, South 24 Parganas and the first appeal disposed of by the Additional District Judge, 11th Court, Alipore, South 24 Parganas are called for.

Department is directed to take steps immediately and to have the records of the trial court and the first appellate court within 24th April, 2024 and after arrival of the records of the trial court and the first appellate court if it is found to be complete let the learned counsels be intimated.

The learned counsel representing the appellant submits that he will bear the special messenger cost. As per the submission of the learned

counsel, let the special messenger cost be submitted within this week.

Just after deposition of the special messenger cost, department is directed to take steps immediately thereafter.

The learned counsels will be at liberty to mention the same after completion of the procedure.

All parties to act in terms of a copy of the order downloaded from the official website of this Court.

(Supratim Bhattacharya, J.)