

AD-19  
Ct No.10  
15.09.2025  
TN

FAT 397 of 2025  
IA No: CAN 1 of 2025  
CAN 2 of 2025

Amitava Sardar  
Vs.  
Mrs. Luma Mondal (nee Sardar)

Mr. Kushal Paul,  
Mr. Saptarshi Dutt

....for the appellant

Mr. Prantick Ghosh,  
Mr. Anjan Sinha

....for the respondent

Re: CAN 1 of 2025

1. CAN 1 of 2025 is an application for condonation of delay in preferring the appeal.
2. At the time of moving the application, learned counsel appearing for the appellant points out that although it has been mentioned in the prayer portion that the delay is of about 55 days, in effect, the delay is of about 23 days.
3. In any event, upon hearing learned counsel for the parties, we find that sufficient explanation for the delay has been furnished in the condonation application inasmuch as some time was taken by the clerk of the learned Advocate of the appellant in the trial court to communicate about the obtaining of the certified copy of the impugned judgment and decree to

the appellant and there was a medical issue in the appellant's family in the meantime.

4. Accordingly, CAN 1 of 2025 is allowed on contest, thereby condoning the delay in preferring FAT 397 of 2025. There will be no order as to costs.
5. The said appeal is deemed to stand registered and admitted.

Re: CAN 2 of 2025

6. CAN 2 of 2025 is an application for injunction restraining the respondent/wife and/or her agents and legal representatives or anybody claiming through her from taking entry into the residence of the appellant till disposal of the appeal.
7. Insofar as the respondent/wife is concerned, in view of the dismissal of the divorce suit of the appellant/husband by the impugned judgment and decree, the respondent/wife is very much entitled to exercise her conjugal rights at her matrimonial home and, as such, the grant of injunction to the effect as sought in the application shall tantamount to allowing the appeal prior to deciding the same.
8. Insofar as the representatives, agents and assignees of the respondent/wife are concerned, those persons fall entirely outside the domain of the matrimonial dispute involved in the present matter and, as such, the injunction prayed for cannot be granted against third parties as well.

9. In view of the above, upon hearing learned counsel for the parties, CAN 2 of 2025 is dismissed on contest, without any order as to costs.
10. We make it clear that in the event any disruption to the peaceful life of the appellant is created by any third party, the appellant shall be at liberty to take appropriate legal recourse against such third parties and the dismissal of the present injunction application shall not prevent the appellant from doing so.

Re: FAT 397 of 2025

11. In view of the appearance of the respondent through her learned Advocate, service of notice of the appeal on the respondent is dispensed with.
12. The trial court records shall be brought by special messenger at the cost of the appellant, to be deposited within a week from date.
13. Since learned counsel for the appellant submits that the appellant is in possession of all the relevant documents, the appellant is directed to prepare and file the requisite number of informal paper books, without comparing with the records, within four weeks from the date of service of notice of arrival of the trial court records on the learned Advocate for the appellant.

14. Liberty to the parties to mention the appeal for inclusion in the list as and when the same is ready for hearing.
15. Learned counsel for the respondent undertakes to file his Vakalatnama in the department on behalf of the respondent during the course of the day. Such leave is granted.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)