

D/L.24.
March 17, 2026.
MNS.

FMAT No. 315 of 2024
+
CAN 2 of 2024

Alok Chatterjee
Vs.
Dipak Kumar Gorgari @ Dipu

Mr. Partha Pratim Roy,
Mr. Tanmoy Mukherjee,
Ms. Ritoprita Ghosh

... for the appellant.

1. Learned counsel for the appellant seeks stay of the impugned judgment and order, whereby the application filed by the appellant under Order IX Rule 13 of the Code of Civil Procedure was dismissed consequential to the connected condonation application being turned down.
2. Upon considering the submissions of learned counsel for the appellant, we find that a sufficiently strong *prima facie* case for hearing of this appeal on merits has been made out.
3. Since the impugned order, in effect, affirms a money decree arising out of a suit for defamation, this Court is of the opinion that the decretal amount ought to be secured by the appellant for grant of stay.
4. However, since the claim of the plaintiff/respondent is not in the nature of remuneration for goods supplied or service rendered or of recovery of loan but on the ground of defamation, this Court is of the opinion that it would suffice if the decretal amount is secured by the appellant

by whatever mode, commensurate with the satisfaction of the learned Registrar General of this Court.

5. Accordingly, CAN 2 of 2024 is allowed, thereby granting stay of operation of the impugned judgment and order no. 94 dated August 29, 2023 passed by the learned Civil Judge (Senior Division) at Serampore, District-Hooghly in Miscellaneous Case No. 07 of 2019, arising out of Money Suit No. 23 of 2014, till the disposal of the appeal, subject to the appellant securing the decretal amount of Rs. 3,00,000/- by furnishing security to the satisfaction of the learned Registrar General of this Court within a period of four weeks from date.

6. The appellant shall approach the learned Registrar General directly or through his counsel at the earliest to ensure compliance of the above directions.

7. In default of furnishing such security as indicated by the learned Registrar General within four weeks from date, the order of stay shall stand automatically vacated without further reference to the court.

8. There will be no order as to costs.

Re: FMAT No. 315 of 2024.

9. The appellant shall put in postal costs, due requisites and written up notice forms for effecting service of notice of the appeal on the respondent within a fortnight from date.

10. The trial court records shall be brought by special messenger at the cost of the appellant, also to be deposited within a fortnight.

11. The appellant shall prepare and file the requisite number of paper books within eight weeks from the date of service of notice of arrival of the trial court records on the learned Advocate for the appellant.

12. Liberty to the parties to mention the appeal for inclusion in the list for hearing as and when the same is made ready for hearing.

(Supratim Bhattacharya, J.) (Sabyasachi Bhattacharyya, J.)