

17 12.07.23

Ct. No. 04

akd

S.A.T. 440 of 2016

Parbati Sen (Samanta)

Vs.

Sri Kalicharan Dutta & Ors.

**Mr. Suhrid Sur,
Mr. S. Pal. Chowdhury,
Mr. L. R. Mondal,
Ms. Diya Nandi.**

... for the appellant.

The present appeal is listed under the heading Order XLI Rule 11 of the Code of Civil Procedure having filed in the year 2016.

Learned Advocate for the appellant submits that another appeal being SAT 469 of 2015 is also filed against the self-same judgement and decree passed by the Appellate Court. Learned Advocate further submits that the suit was partly decreed.

The plaintiff/appellant filed a Title Appeal before the Court of Appeal below assailing a portion of the judgement by which certain claims were denied by the Trial Court in which the defendants/respondents filed a cross-objection. The Appellate Court allowed the cross-objection and dismissed the appeal filed by the plaintiff/appellant and, therefore, two appeals have been filed, which, in our opinion, should be heard together in order to avoid any conflicting decision.

Since this Bench has been assigned to take up the matter instituted 2016 onwards, this Court feels inability to take up this matter, as both the appeals, as aforementioned, are required to be taken up by one Bench.

Accordingly, let this matter be placed before the Hon'ble Chief Justice for passing an appropriate order in the administrative side.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

