

AD-17
Ct No.16
20.01.2025
(SSS)

FA 180 of 2024
With
CAN 1 of 2024

Smt. Sreerupa Sirkar
Vs.
Soumyarup Sirkar

Mr. Aniruddha Mitra, Sr. Adv.
Mr. Rajdeep Bhattacharya

...For the Appellant.

Mr. Saptansu Basu,
Mr. Sibasis Ghosh,
Mr. Debabrata Basu Ray

.....For the Respondent.

1. In the present first appeal, directed against a decree whereby the counter-claim of the respondent/husband was decreed ex-parte against the appellant, questions of both fact and law are involved. Hence, the appeal is required to be heard on merits.
2. Unless the injunction prayed for is granted, the appeal will be rendered infructuous.
3. Accordingly, CAN 1 of 2024 is allowed, thereby restraining the respondent/husband by an order of injunction from contracting re-marriage during pendency of the appeal.

4. In view of appearance of both the parties through their learned Advocates, service of notice of the appeal is dispensed with. The trial court records shall be brought by special messenger at the cost of the respondent, to be deposited within a week from date.

5. The respondent shall prepare and file the requisite number of informal paper books without comparing with the records within six weeks from the date of service of notice of arrival of the trial court records on the learned Advocate for the respondent.

6. It is made clear that upon the records arriving in this court, being examined and found to be complete, a notice of such arrival shall be served on the learned Advocate for the respondent for such purpose.

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

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)