

27.01.2021.
Item No. 27

S.A.T. 415 of 2019

**Smt. Niharbala Ghosh and another
Vs.
Sri Gopal Chandra Mridhya and others.**

Mr. Asit Baran Dash.

... for the appellants.

Leave is granted to the Advocate-on-Record of the appellants to correct the name of the appellant no. 2 in the cause title of the Memorandum of Appeal here and now.

The appeal is admitted on the following substantial question of law:

(1) Is it incumbent on the part of the first appellate court to return its independent finding on all the issues decided by the trial court or merely affirmed by expressing his or her mind with the sentence that “I do not find any reason or ground to intervene the order of the trial court”?

Let hearing of the appeal be expedited.

The plaintiffs/appellants are, therefore, directed to put in the requisites, namely, postal costs, written up notice forms and correct postal address of the defendants/respondents for effecting service of notice of appeal by registered post with acknowledgement due within a week from date. In default, put up for final orders.

The office is directed to effect service upon the defendants/respondents immediately and upon

completion of service shall put a note as to whether the appeal is ready as regards service.

Let the Lower Court's Records be called for through the Special Messenger at the cost of the plaintiffs/appellants. Such costs shall be put in within a week from date.

Immediately, after arrival of the Lower Court's Records, office shall examine the same and if found complete, shall issue notice of arrival of Lower Court's Records on the Advocate-on-Record of the appellants under Rule 12 of Chapter IX of the Appellate Side Rules.

The plaintiffs/appellants are directed to prepare and file eight copies of informal paper books – printed, typewritten or cyclostyled, as the case may be – out of court, within a period of six weeks from date.

All other formalities regarding preparation of paper books are dispensed with.

After fulfillment of all other formalities, the office shall put a certificate that the appeal is otherwise ready for hearing and liberty is given to the parties to pray for early disposal of the appeal.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

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(Harish Tandon, J.)

(Kausik Chanda, J.)