

07.08.2024.
Item Nos. 29 & 30.
Court No. 13
ap

S.A.T. No. 470 of 2015
With
I.A. No. CAN 2 of 2024
And
I.A. No. CAN 3 of 2024
Basanti Sen
Versus
Kalicharan Dutta & Ors.
And
S.A.T. No. 441 of 2016
Basanti Sen
Versus
Kalicharan Dutta & Ors.

Mr. Probal Mukherjee,
Mr. Suhrid Sur,
Mr. S. Pal Choudhuri,
Mr. L. R. Mondal,
Ms. Tithi Paul,
Ms. Shilpi Paul.

...For the appellant.

1. Registry of this Court has pointed out a defect that the certified copy of the judgment of the lower appellate Court has not been filed along with the Memorandum of Appeal.
2. Since this Court intends to admit the appeals for hearing on the questions of law framed by a Co-ordinate Bench of this Court in its order dated 4th December, 2023 in S.A.T. No. 440 of 2016 and S.A.T. No. 469 of 2015, let these appeals also stand admitted on the same questions of law.
3. Needless to mention that the learned Single Judge shall be entitled to frame any further questions that it deems necessary for the effective adjudication of the instant appeal.
4. Let the hearing of these appeals be expedited.

5. The appellant is directed to put in the postal cost, written up notice forms for effecting service of notice of appeal upon the respondents within a week from date.

6. After the service of notice of appeal, the Office shall put a seal that the appeal is ready as regards service.

7. Let the Lower Court Records be called for by the Special Messenger at the cost of the appellant. Such cost shall be put in within a week from date. The Office is directed to bring the Lower Court Records immediately upon deposit of the Special Messenger cost.

8. The Office shall examine the Lower Court Records after its arrival and if it is found complete shall issue a notice under Rule 12 of Chapter IX of the Appellate Side Rules upon the learned Advocate on record of the appellant.

9. The appellant shall prepare and file eight copies of informal paper books – printed, typewritten or cyclostyled, as the case may be, out of Court, by the end of November, 2024.

10. All other formalities pertaining to preparation of paper books are dispensed with.

11. In the event, service is effected upon the respondents and the paper books are filed, liberty is granted to the parties to pray for early listing of the appeals before the learned Single Judge of this Court.

12. The appellant shall file certified copy of the judgment of the lower appellate court before the learned Single Judge of this Court to cure the defects as pointed out by the Registry of this Court.

13. List these appeals before the appropriate Bench having determination in the matter subject to convenience of that Bench.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)