

**0611
2024**

WEDNESDAY

Court : 08
Item : DL-47
Matter : SAT
Status : AA
Bench ID : 266048
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**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

SAT 206 OF 2023

**MANJU BEGUM LAYEK & ORS.
Vs.
MOHOSINA KHATUN & ORS.**

MR. MAHAMMAD MAHMOOD, ADVOCATE

.....for the Appellants

MR. MD. NURE ZAMAN, ADVOCATE

MR. SOUMEN BOSE, ADVOCATE

.....for the Respondents

1. The appeal shall be heard on the following substantial question of law:-
 - i. *Whether a suit challenging the compromise decree passed in a partition suit is hit by the provisions contained under Order XXIII Rule 3A of the Code of Civil Procedure?*
2. The respondent is represented before us.
3. Learned Advocate represents the respondents, submits that he has filed the 'Vakalatnama' in the Department.
4. Department is directed to tag the 'Vakalatnama' in the instant appeal.
5. In the event, Department does not find the 'Vakalatnama' to have been filed by the respondents, liberty is granted to the learned Counsel to file the same within ten days thereafter.
6. Let the Trial Court Records be called for through the Special Messenger at the cost of the appellant. Such cost shall be put in within two weeks from date.

7. Immediately, after arrival of the Trial Court Record, office shall examine the same and if found complete, shall issue notice of arrival of Trial Court Record on the Advocate-on-record of the appellant under Rule 12 Chapter IX of the Appellate Side Rules.
8. The appellant is directed to prepare and file eight copies of informal paper books – printed, typewritten and cyclostyled, as the case may be – out of Court, within a period of four weeks from date.
9. All formalities including the preparation of paper books is dispensed with.
10. Since the respondents have entered appearance through the learned Advocate, the appeal shall be treated ready as regard service.
11. After fulfillment of all other formalities, Office shall put a certificate that the appeal is otherwise ready for hearing and liberty is given to the parties to pray for early listing of the appeal.

(HARISH TANDON, J.)

(PRASENJIT BISWAS, J)

