

28th January,
2025
(AK)
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F.A.T 385 of 2023
IA No: CAN 1 of 2024

Sri Dibyendu Mondal and others
Vs.
Smt. Arpita Bej and others

Mr. Arnab Roy
Mr. Satyam Mukherjee
Ms. Sayani Ahmed

...for the appellants.

1. The learned Advocate for the appellants shall classify the Memorandum of the Appeal properly in its caption.
2. Leave is granted to the learned Advocate for the appellants for such purpose and such correction shall be carried out in the Memorandum of the Appeal during the course of the day.
3. The present appeal arises out of a decree declaring a previous partition decree bad in law and granting a fresh preliminary partition decree.
4. Upon hearing learned counsel for the appellants, we are satisfied that several questions of fact and law are required to be adjudicated at the final hearing of the appeal and as such, a *prima facie* case has been made out.
5. Accordingly, the appellants shall serve copies of CAN 1 of 2024 on the respondents indicating that

the application shall next be listed on February 24, 2025, when an affidavit-of-service to that effect shall be filed by the appellants.

6. In the meantime, the learned Trial Judge shall proceed with the final decree proceedings.
7. However, no final decree shall be drawn up without the leave of the court till disposal of the present application.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)