

12.04.2024
Crt. No.21
Item No.50
tbsr

FMAT 1224 of 2017
With
IA No: CAN 1 of 2017 (Old No: CAN 11023 of 2017)

Manoj Kumar Singh & Ors.
Vs.
Dolly Singh & Ors.

Mr. Dyutiman Banerjee
Mr. Amartya Basu
... for the appellants

Mrs. Shohini Chakrabarty
Ms. Prajaaini Das
....for the respondent nos. 1 & 2

The appellants and the respondents no. 1 & 2
are being represented.

From the memorandum of appeal it transpires
that respondent no. 3 is the Calcutta State Transport
Corporation and has been placed under the category
proforma respondent.

The learned counsel representing the
respondents no. 1 & 2 submits that the Calcutta State
Transport Corporation had entered appearance before
the trial court and had filed their written statement and
thereafter the Calcutta State Transport Corporation did
not take any further step. As such, the suit had
proceeded ex-parte against the said Transport
Corporation. She further submits that before the first
appellate court, the respondent no. 3, herein i.e. the
Calcutta State Transport Corporation did not appear

and order of remand was passed ex-parte against the Calcutta State Transport Corporation.

The learned counsel representing the appellants is requested to serve notice upon the proforma respondent, i.e. Calcutta State Transport Corporation.

Vide order dated 18th February, 2020 the record of the trial court and the first appellate court have been dispensed with.

It is felt that the records of both the trial court and the first appellate court are required to be gone through to reach to the just conclusion, as such the record of the title suit being disposed of on 30th August, 2016 by Civil Judge (Junior Division), 2nd Additional Court at Alipore bearing the Title Suit No. 1560 of 2008 and the record of the first appellate court disposed of on 15th September, 2017 by the learned Additional District Judge, 15th Court, Alipore be called for.

The appellants are requested to bear the cost of the special messenger.

Let the cost of special messenger be deposited within 17th April, 2024.

After the receipt of the cost for special messenger, **Department** is directed to take steps immediately so that both the records arrive within 30th April, 2024. After receipt of the record and inspection if both the records are found to be complete, the learned counsels be informed.

Let the matter appear on **3rd May, 2024** under the heading **“To Be Mentioned.”**

(Supratim Bhattacharya, J.)