

23<sup>rd</sup> March,  
2026  
(AK)  
19

**F.A. 474 of 2025**  
**IA No: CAN 2 of 2025**

Sri Samar Ghosh and others  
Vs.  
Sri Bhut Nath Ghosh and another

Mr. Chittapriya Gosh  
Ms. Aishwarjya Gupta  
Ms. Maitrayee Chatterjee  
...for the appellants.

Ms. M. Rauf  
...for the respondents.

1. An adjournment is sought on behalf of the respondents.
2. However, in view of the innocuous nature of the order proposed to be passed, such prayer is refused.
3. The affidavit-of-service filed in court today be kept on record.
4. Since the appeal arises out of a preliminary decree of partition and upon being primarily satisfied that a *prima facie* case has been made out, we had granted an interim order on February 5, 2026. The ends of justice would be sub-served if the said order is made absolute.
5. Accordingly, CAN 2 of 2025 is disposed of by directing the learned Trial Judge to continue with the final decree proceedings; however, no final

decree shall be drawn up till disposal of the appeal without the leave of this court.

6. There will be no order as to costs.
7. In view of the appearance of the respondents through their learned Advocate, service of notice of the appeal on the respondents is dispensed with and the appeal be treated to be ready as regards service.
8. The trial court records shall be brought by special messenger at the cost of the appellants, which shall be deposited within a week from date.
9. It is made clear that the trial court shall be entitled to retain skeletal records for the purpose of continuing with the final decree proceedings.
10. The appellants shall prepare and file the requisite number of paper books within eight weeks from the date of service of notice of arrival of the trial court records on the learned Advocate for the appellants.
11. Liberty to the parties to mention the appeal for enlistment as and when the same is ready for hearing.

**(Sabyasachi Bhattacharyya, J.)**

**(Supratim Bhattacharya, J.)**