

23.03.2026

Item no. DL 22
Court No. 16

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Case No.

FAT 557 of 2025
with
CAN 1 of 2026

In the matter of :

SASWATA DAS

...Appellant

VS.

SHRIMATI RITA GUHA & ORS.

...Respondents

For the Appellant :

Mr. Debasish Roy, Sr. Advocate

Mr. Gopal Pahari

Ms. Mandeep Kaur

Mr. Jagatjyoti Nag

....Advocates

1. It is found from the report of the Assistant Registrar (S. R. Section) dated March 20, 2026 that the deficit court fees have been deposited by the appellant, although late. We condone the delay in depositing such deficit court fees and accept the same. Accordingly, the appeal be treated to be in form insofar as court fees are concerned.
2. The present appeal arises out of the dismissal of the plaintiff/appellant's suit for specific performance of contract. Since questions of law and fact are involved, the Court is of the opinion that a sufficiently strong *prima facie* case for hearing the appeal on merits has been made out.

3. Accordingly, the respondent nos.1 to 6 and/or their men and agents shall remain restrained by an order of injunction from transferring, conveying, alienating and/or dealing with the suit property in any manner till disposal of CAN 1 of 2026.
4. In view of no relief having been sought against the proforma defendants / respondent no. 7-series, service of copies of the application on the said respondents is dispensed with for the present.
5. The appellant shall serve copies of CAN 1 of 2026 on the respondent nos.1 to 6 and file an affidavit of service to that effect on the returnable date.
6. The application shall next be listed for hearing in the Monthly List of May, 2026.
7. The appellant shall put in postal costs, requisites and written up notice form for service of notice of the appeal on the respondent nos.1 to 6 within a fortnight from date.
8. Service of notice of the appeal on the proforma defendants / respondents, against whom no relief has been sought, is dispensed with.
9. The Trial Court Records shall be brought by Special Messenger at the cost of the appellant, also to be deposited within a fortnight.

10. The appellant 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 appellant.

11. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties expeditiously upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)