2023:CHC-AS:15798-DB

13.04.2023
SL No.47-48
Court No.8
(gc)

FA 339 of 2014
CAN 5 of 2023

Khairun Bibi
Vs.
Subhas Chandra Roy & Ors.

With

FAT 620 of 2014

Sujit Mondal
Vs.
Subhas Chandra Roy & Ors.

Mr. Samiran Giri,
...for the Appellant.
Mr. D.K. Adhikari,
Mr. Debdip Adhikari,
...for the Respondent in FA 339 of 2014 & ...for the Appellant in FAT 620 of 2014.
Mr. Malay Bhattacharyya,
Ms. Ankana Sarkar,
...for the Respondent Nos.6(a), (b) & (c).

Re: CAN 5 of 2023

This is an application for restoration of the appeal and the application dismissed for default on 28th March, 2023. Sufficient cause is being shown for not being able to be present on 28th March, 2023. The order dated 28th March, 2023 insofar as the dismissal of the appeal is concerned, is restored.

The interim order is revived.

Accordingly, the application being CAN 5 of 2023 is disposed of.

2023:CHC-AS:15798-DB

Re: FA 339 of 2014
With
FAT 620 of 2014

In view of the fact that it is a partition suit and there is a strong possibility of a settlement being arrived at by and between the parties if they are referred to mediation, we appoint Hon'ble Justice Mr. Debi Prasad Dey, (Retired) to act as Mediator.

The parties and their learned Advocates are directed to render all cooperation to the learned Mediator in bringing about a settlement between the parties.

The matter shall be listed on **16th May, 2023** under the heading **"For Orders"**.

We request the learned Mediator to conclude the matter within the aforesaid time and file a report on the adjourned date.

In the event the parties arrive at a settlement prior to the adjourned date, the parties shall be at liberty to mention this matter for disposal of the appeal on the basis of the settlement arrived at during mediation.

This order shall immediately be communicated to the Member Secretary, Mediation and Conciliation Committee, High Court, Calcutta for information and doing the needful.

(Uday Kumar, J.) **(Soumen Sen, J.)**