

09.09.2024
(D/L-4)
Ct. No.4
(Naba)

**F.A. 29 of 2021
With
CAN 3 of 2024**

**Hafiza Begum & Anr.
Vs.
Supriya Chowdhury Sarcar @ Supriya Sarcar**

Mr. Kushal Chatterjee,
Mr. Debrup Chowdhury.
... for the Appellants

Mr. Saptansu Basu, Sr. Adv.,
Mr. Arnab Mukherjee,
Mr. Susandip Pathak.
... for the Respondent

Re: CAN 3 of 2024

1. There is an application bearing CAN 3 of 2024 wherein a prayer has been made for transmitting the trial court records to the trial court for facilitating consideration of the appellants' application before the trial court filed under Order 9 Rule 13 CPC.
2. Mr. Saptansu Basu, learned senior counsel appearing for the respondent submits that the appellants/applicants have obtained interim order in this proceeding and therefore, he has to elect as to which remedy he wants to pursue for the present. If he chooses to pursue the remedy under Order 9 Rule 13 CPC instead of pursuing the present appeal then he would be liable to the consequence of the interim order being vacated.

3. In such circumstance, the learned counsel for the appellants submits that he wishes to rely upon certain decisions.
4. For enabling him to place the same before this Court, we adjourn the matter to be considered on **13th September, 2024.**

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)