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FAT 302 of 2020
with
I.A No. CAN 1 of 2020
CAN 2 of 2020
with
COT 1 of 2021
with
FAT 303 of 2020
with
I.A No. CAN 1 of 2020
CAN 2 of 2020

Santosh Kumar Sil
Vs.
Sarat Chandra Sil

Mr. Rajdeep Bhattacharya
... For the Appellant in
both the appeals

Mr. Sukanta Bhattacharjee
Mr. Tanmoy Mukherjee
Mr. Amal Kumar Saha
... For the Respondents in
both the appeals

Re: CAN 2 of 2020 in connection with
FAT 302 of 2020 (condonation)
filed on 24th November, 2020

This is an application for condonation of delay of 176 days in preferring the memorandum of appeal as reported by the additional stamp reporter vide his report dated 7th December, 2020.

Sufficient cause being shown for delay in preferring the appeal beyond the statutory period, we are inclined to condone the delay of 176 days in presenting the memorandum of appeal.

The application for condonation of delay is, thus allowed without any order as to costs.

**Re:CAN 2 of 2020 in connection with
FAT 303 of 2020 (condonation)
filed on 24th November, 2020**

This is an application for condonation of delay of 176 days in preferring the memorandum of appeal as reported by the additional stamp reporter vide his report dated 7th December, 2020.

Sufficient cause being shown for delay in preferring the appeal beyond the statutory period, we are inclined to condone the delay of 176 days in presenting the memorandum of appeal.

The application for condonation of delay is, thus allowed without any order as to costs.

**Re:CAN 1 of 2020 in connection with
FAT 302 of 2020 (stay)
filed on 24th November, 2020
and
CAN 1 of 2020 in connection with
FAT 303 of 2020 (stay)
filed on 24th November, 2020**

By consent of parties both the applications for stay are taken up together.

Both the applications for stay are disposed of by directing Santosh Kumar Sil to deposit the occupational charges at the rate of Rs. 15,000/- per month in the Executing Court on and from January 2021 till the disposal of the appeals.

The arrear occupational charges for the month of January 2021 will be Rs.15,000/- and shall be deposited along with the occupational charges for the month of February 2021 in the Executing Court on or before 28th February, 2021 and the appellant shall continue to deposit the occupational charges for the subsequent months by seventh of each succeeding month till

the disposal of the appeals.

The appellant shall also bear 50% of the Municipal rates and taxes till the disposal of the appeals.

In default of making payment of any instalment in terms of this order or failure to pay his share with regard to the Municipal rates and taxes in respect of property in question, the order of stay shall stand automatically vacated without any further reference to this Court.

We also clarify that the appellant shall be provided unconditional stay of operation of the impugned decree till 7th March, 2021.

Let the hearing of the appeals be expedited. Both the appeals and the cross-objection shall heard together.

Since the respondents have already entered appearance through their lawyer, service of notice of appeal on the respondents is dispensed with and the appeals are treated as ready as regards service.

Let the lower court's records of these cases be called for immediately through a special messenger at the cost of the appellant and such cost is to be put in by two weeks from date.

In the event the cost is not deposited, put up the matter for final order.

After arrival of the lower courts' records, the office shall examine the same and, if found complete, shall issue notice of arrival of lower court's records on the learned advocate for the appellant at once.

The appellant is directed to prepare and file requisite number of one set of combined paper books – printed, typewritten or cyclostyled, as the case may be – within a period of four weeks from the date of service of notice of arrival of lower court's records on the learned advocate for

the appellant.

There is no need to file paper book with regard to the cross-objection filed by the respondents.

Having regard to the nature of dispute, the parties may approach the Members Secretary, Mediation Center for resolution of the dispute notwithstanding the direction passed by us with regard to the hearing of the appeal.

Parties are at liberty to mention the appeals and cross-objection after the same becomes ready for hearing.

The applications for stay are thus disposed of without any order as to costs.

(Saugata Bhattacharyya,J.)

(Soumen Sen, J.)

