

**1109
2024**

WEDNESDAY

Court : 01
Item : 183
Matter : FAT
Status : IOE
Bench ID : 1430
Transcriber : **NANDY**

**HIGH COURT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

FAT 5 of 2024

with

CAN 2 of 2024

CAN 3 of 2024

CAN 4 of 2024

CAN 5 of 2024

Sri Niloy Mazumdar @ Nilay Majumder
Vs.

Smt. Popy Mazumder (Ghosh)

Mr. Amales Roy, Advocate
Mr. Deborshi Dhar, Advocate
Mr. Nigam Mittal, Advocate

.....for the Appellant

Mr. Satyaki Basu, Advocate

.....for the Respondent

1. The matter is taken up out of turn on the mentioning of the appellant for extension of interim order.
2. It appears that while dismissing the suit, the costs to the tune of Rs.5,00,000/- (Rs. Five Lakhs) was imposed upon the appellant. At the time of moving an application for stay on 10.04.2024, this Court stayed the portion of the order for a period of eight weeks, wherein the said cost was imposed. In the meantime, an application for adducing additional evidence under Order XLI rule 27 of the Code of Civil Procedure has been filed and during the currency of the application, another application of similar nature was subsequently filed.
3. The aforesaid applications have already been served upon the respondent. Since the application for adducing additional evidence

has to be considered at the time of hearing of an appeal, the respondent is directed to file affidavit-in-opposition, within two weeks from date. Reply thereto if any, be filed within a period of one week thereafter.

4. Let the interim order granted earlier, be continued for a further period of eight weeks from date or until further order, whichever is earlier.
5. We are further given to understand that an application being CAN 3 of 2024 is filed by the respondent/wife seeking payment of the alimony *pendente lite* pending the instant appeal.
6. Learned Counsel for the appellant submits that the copy of the said application has not been served upon the learned Advocate-on-record of the appellant.
7. Let the copy of the same be served upon the learned Advocate on record of the appellant in course of this day.
8. Both the parties are directed to file their respective affidavit of assets and liabilities in terms of the judgment of the Supreme Court rendered in case of ***Rajnish Vs. Neha*** reported in ***(2021) 2 SCC 324*** within two weeks from date.
9. Let the Trial Court Record be called for through the Special Messenger at the cost of the appellant. Such cost shall be put in course of this week.
10. After arrival of the Trial Court Record, office shall examine the same and, if found complete,

shall issue a notice under Rule 12 Chapter IX of the Appellate Side Rules upon the Advocate-on-record of the appellant.

11. After service of notice of arrival of records, the appellant is directed to prepare eight copies of informal paper books within four weeks therefrom.
12. Liberty is granted to the parties to pray for early listing of the matter.
13. Let the application being CAN 3 of 2024 be listed three weeks hence.

(Harish Tandon, J.)

(Aurba Sinha Ray, J.)