

JPD-07
Ct No.07
18.06.2026
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

FAT 10 of 2026
IA No: CAN 1 of 2026

Smt. Aparna Ghosh and another
Vs
Sri Pradip Ghosh and others

Mr. Amales Ray, Sr. Adv.
Mr. Nigam Mittal
Mr. Parthiv Chakraborty

.... for the appellants.

Mr. Nabankur Paul
Ms. Sutapa Sen Paul
Mr. Bodhisatya Ghosh

...for the respondent no.1.

Ms. Suman Sehanabis

...for the respondent no.3.

In Re: CAN 1 of 2026

- 1.** The present appeal has been preferred against a preliminary decree of partition in a suit filed by the plaintiff/respondent no.1.
- 2.** Since arguable questions of fact as well as law are involved, the appeal is required to be heard on merits.
- 3.** We find from the affidavit-of-service, which is filed today and kept on record, that despite service, the respondent nos.2 and 4 are not represented.

4. Accordingly, we take up the application for disposal.
5. The trial court shall continue with the final decree proceedings, but shall not draw up any final decree without the prior leave of this court, during the pendency of the appeal.
6. CAN 1 of 2026 is disposed of accordingly.
7. There will be no order as to costs.
8. In view of the appearance of the respondent nos.1 and 3 through their learned Advocates, service of notice of the appeal on the said respondents is dispensed with.
9. The appellants shall put in postal costs and due requisites for service of notice of the appeal on the respondent nos.2 and 4 within a fortnight from date.
10. The trial court records shall be brought by special messenger at the cost of the appellants, also to be deposited within a fortnight.
11. The trial court shall be at liberty to retain skeletal records for the purpose of continuing with the final decree proceedings.
12. The appellants 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 appellants.

13. Liberty to the parties to mention the appeal for enlistment as and when the same is ready for hearing.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)