28.11.2024
Sl. No.104
s.biswas

Calcutta High Court
In The Circuit Bench at Jalpaiguri

FAT 21 of 2024
With
CAN 1 of 2024
CAN 2 of 2024

Nirendranath Sarkar
vs.
Jyotish Kanti Baishya and others

Mr. Bapi Sarkar
Mr. Chayan Moni Bhowal
... for the appellant

Mr. Subham Ghosh
Mr. Mayank Roy
... for the respondent nos.1 and 9

Affidavit of service is taken on record. Despite service, none appears on behalf of the respondent nos.2 to 8 and 10.

In re: CAN 1 of 2024

This is an application for condonation of delay in preferring the appeal. The delay is of 116 days in preferring the appeal.

Considering the grounds stated in paragraph nos.4 to 7 of the application, this court is satisfied that the petitioner was prevented by sufficient cause in filing the appeal within time. The delay of 116 days in preferring the appeal is condoned.

Accordingly, CAN 1 of 2024 stands disposed of.

FAT 21 of 2024 is registered.

In re: FAT 21 of 2024

The matter proceeded ex parte against the respondent nos.2 to 8 and 10. Service of notice of appeal is dispensed with.

Notice of appeal upon the respondent nos.1 and 9 is dispensed with as the learned advocate for the respondent nos.1 and 9 is present. He accepts service of notice of appeal on behalf of the said respondents,

Call for the trial court records at the cost the appellant. Such costs are to be deposited within 10 days from date.

Notice of arrival of trial court records be served upon the learned counsel for the appellant.

Paper book be prepared within six weeks from receipt of such notice of arrival of trial court's records.

In re: CAN 2 of 2024

The respondent nos.2 to 8 are not required to be served with the copy of the application as the proceeding was held ex parte against the said respondents.

Affidavit-in-opposition to be filed within four weeks from date, and reply thereto, if any, be filed within two weeks thereafter.

Let the matter appear after expiry of the period for filing affidavits..

(Partha Sarathi Chatterjee, J.) (Shampa Sarkar, J.)