

21.05.2024
Item No.9
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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Appellate Side

CO/124/2023

SRI ARUN KANTI DAS
VS
SRI SWAPAN MAZUMDER & ORS.

Mr. Bikramaditya Ghosh Adv.,
Ms. Supriya Singh, Adv.,
..for the petitioner.

Mr. Ratan Banik, Adv.,
Mr. Saptarshi Banik, Adv.,
Mr. Shankar Sarkar, Adv.,
. . .for opposite party no.1.

Affidavit of service filed in Court today is taken on record.

Despite service none of the opposite parties except the opposite party no.1 is represented.

This revisional application arises out of a judgment and order dated 8th June, 2022 passed by the learned Additional District Judge, Fast Track Court-II, Alipurduar in Misc. Appeal No.21 of 2014.

After hearing the petitioner and the opposite party no.1 and considering the materials on record, I find that the matter can be more effectively adjudicated after affording the opposite parties an opportunity to disclose their stand on affidavits.

Let Affidavit-in-opposition be affirmed and filed by 14th June, 2024; reply thereto, if any, be affirmed and filed by 28th June, 2024.

The parties will be at liberty to mention the matter before the next available Circuit Bench after completion of affidavits or on expiry of the time period provided for filing of affidavits, if no affidavits are filed.

The maintainability of this revisional application as raised by the opposite party no.1 on the ground that the remedy of the petitioner lies in a second appeal is kept open for adjudication at the final hearing.

(ARINDAM MUKHERJEE, J.)