

**IN THE HIGH COURT AT CALCUTTA**  
[ CIRCUIT BENCH AT PORT BLAIR ]

\*\*\*

**SAT/4/2026**  
**IA No.CAN/1/2026, CAN/2/2026**

Shri Dilip Kumar Singh and another

Vs.

Shir Ratan Chandra Dey and Others

Mr. Ananda Halder ... for the appellants

Mr. Siddhartha Singha ... for the respondents

April 27, 2026  
[SR]  
Item No.9

1. From the affidavit of service, it transpires that all the respondents have been served. As such we take up the condonation application for hearing.
2. Upon learned counsel for the parties and on perusing the application bearing CAN/2/2026 we find that sufficient explanation for the delay in preferring the appeal has been made out.
3. Thus, CAN/2/2026 is allowed, thereby condoning the delay in preferring SAT/4/2026.
4. No order as to costs.
5. At the time of hearing the second appeal under Order 41 Rule 11 of the Code of Civil Procedure, we find that the judgment/order preceding the final partition decree passed by the Trial Court has not been filed, nor has any certified copy thereof been appended to the memorandum of appeal.
6. Since the plinth of the arguments of the appellants are based on the alleged consent to the final partition

commissioner's report, as recorded by the Trial Court, having never been given by the appellants and no such instruction to concede having also been given to their Advocate in the Trial Court, the certified copy of the Trial Court's judgment becomes absolutely necessary even at the stage of hearing under Order 41 Rule 11 of the CPC.

7. Accordingly, the appellants are directed to file certified copy of the judgment/order of the Trial Court within a fortnight from date.

8. Let the matter be listed for hearing under Order 41 Rule 11 of the Code of Civil Procedure before the appropriate Bench in the next Circuit.

9. On the prayer of Mr. Siddartha Singha, learned Advocate having instruction to appear for the respondent nos. 1,4,5 and 6, leave is granted to him to file Vakalatnama on behalf of the said respondents within April 29, 2026 in the Department.

**( Sabyasachi Bhattacharyya, J. )**

**( Smita Das De, J. )**