

Party Name : SWAPNA SAHA & ORS Vs SANKAR DATTA CHOWDHURY & ORS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Mr. D. Chakraborty, learned senior counsel assisted by Mr. H. Laskar, learned counsel appearing for the petitioners has submitted that, in view of the judgment and order dated 17.02.2014 delivered in RSA. No. 70 of 2007, hearing of T.A. No. 30 of 2005 together with Cross Appeal No. 31 of 2005 could not take place, for the reasons that the records of Cross Appeal No. 31 of 2005 is not traceable. Without going into the correctness of the statement made in the bar, this Court is inclined to dispose this petition with the following direction. The records of T.A. No. 30 of 2005 are bound to be substantially to that of similar the Cross Appeal No. 31 of 2005 as those emerge from the same suit.

Therefore, there would be no difficulty in reconstruction of the records. The District Judge, West Tripura, Agartala, is directed to follow the necessary procedure for reconstruction of the records if necessary, collecting the copy of the memorandum of cross objection from the cross objector. The reconstruction of records shall be completed with expedition and thereafter the hearing of T.A. No. 30 of 2005 and Cross Appeal No. 31 of 2005 be completed in quick succession.

With this observation, this petition stands allowed and disposed of.