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**13.05.
2022**

Ct. No. 04

Ab

**IA No. CAN 2 of 2019 (Old No. CAN 12134 of 2019)
CAN 3 of 2021**

**In
FMAT 1183 of 2017**

**Bikash Chakraborty
Vs.
Union of India and another.**

**Mr. Satrajit Sinha Roy,
Mr. Tapan Roy.**

... for the appellant/applicant.

Re: CAN 2 of 2019 (Old No. CAN 12134 of 2019)

Despite the notice having served upon the learned Advocate representing the Railways, there is no representation on behalf of the said respondent.

This is an application seeking modification of the judgment and order dated 14th August 2019 passed in FMAT 1183 of 2017.

It has been contended that the said judgment and order needs modification as the Court inadvertently omitted to award interest upon the quantum of compensation, which the appellant was found entitled to.

In view of the above, we feel that an opportunity should be given to the respondents to file affidavit disclosing their stand in relation to the averments made in the instant application.

Let affidavit-in-opposition to the instant application be filed by the respondents within one week after reopening of this Court following Summer Vacation for the year 2022, reply thereto, if any, be filed within a week thereafter and the application would be listed accordingly.

Learned Advocate for the appellant is directed to communicate this order to the respondents by speed post as well as the learned Advocate, who represented the said respondents by hand and shall file affidavit of service on the returnable date.

Re: CAN 3 of 2021

This is an application for appropriate order.

Despite the notice having served upon the learned Advocate representing the Railways, there is no representation on behalf of the said respondent.

In view of the above, we feel that an opportunity should be given to the respondents to file affidavit disclosing their stand in relation to the averments made in the instant application.

Let affidavit-in-opposition to the instant application be filed by the respondents within one week after reopening of this Court following Summer Vacation for the year 2022, reply thereto, if any, be filed within a week thereafter and the application would be listed accordingly.

Learned Advocate for the appellant is directed to communicate this order to the respondents by speed post as well as the learned Advocate, who represented the said respondents by hand and shall file affidavit of service on the returnable date.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)

