

21.12.2020
SL Nos. 3 & 4
Court No.12
(gc)

**FMA 1103 of 2019
With
CAN 2 of 2020
(Old No: CAN 1332 of 2020)**

**Prasenjit Bhattacharyya
Vs.
Sathi Bhattacharyya**

And

**FMAT 163 of 2020
With
CAN 1 of 2020
(Old No: CAN 1548 of 2020)**

**Prasenjit Bhattacharyya
Vs.
Sathi Bhattacharyya**

(Via Video Conference)

Mr. Biswaroop Bhattacharya,
Mr. Sandip Kr. Datta,
Ms. S.D. Chowdhury,
...for the appellant.

In spite of service, the opposite party/respondent is not represented.

Both the appeals are arising out of an order passed by the learned Court below on 6th August, 2019 in Misc. Case No.100 of 2015 allowing the counter-claim of the respondent wife regarding the custody of the minor son. Although, an appeal was preferred against the order by which the custody of the minor was denied to the appellant but inadvertently the appellant did not prefer the appeal against the order passed in the counter-claim. The delay is caused due to inadvertent error and/or mistake on the part of the appellant.

In view thereof, the delay of 100 days in preferring the delay is condoned.

The application for condonation of delay being CAN 1 of 2020 (Old No: CAN 1548 of 2020) is allowed and disposed of.

However, there shall be no order as to costs.

The matter shall appear under the heading “Order XLI Rule II” tomorrow, i.e., 22nd December, 2020.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)