

CO 1272 OF 2020
Smt. Bhabani Bag
Vs.
Ram Chandra Das & Ors.

Mr. Sanat Kumar Roy, adv.
Mr. Abhishek Banerjee, adv.

.... For petitioner

Mr. Roy, learned advocate moves this petition under article 227 of the Constitution of India. He submits, impugned are orders made by Additional Sessions Judge, Fast Track Court, Chandernagore in Misc. Appeal 17 of 2013 (Smt. Bhabani Bag vs. Ram Chandra Das & Ors.) He draws attention particularly to order no.32 dated 13th June, 2019, which is set out below.

“Both parties file hazira.

Heard Ld. Advocate.

Perused the case record. Today is fixed for L.C.R.

On perusal of the case record it appears that the instant appeal directs against the order dt.07.06.13 passed in T.S. No.79/13 by the Ld. Civil Judge, (Jr. Divn.), 1st Court, Chandernagore, Hooghly.

Vide order dt.16.08.17 L.C.R. was called for vide Memo No.236 dt. 16.08.17 and vide letter No.16 dt.07.01.19 but thereafter several dates were fixed for L.C.R. but no L.C.R. received yet.

Ld. Civil Judge, (Jr. Divn.) 1st Court, Chandernagore is hereby requested to send the L.C.R. of T.S. No.79/13 by the next date.

To 03.08.19 for L.C.R.

Let a copy of this order be sent to Ld. Civil Judge, (Jr. Divn.) 1st Court, Chandernagore for his information and necessary action.”

He then refers to order no.34 dated 14th November, 2019 to point out that till then LCR had not been received by the Court. He submits, LCR has not yet been received is his information.

On query from Court he hands up track report in support of postal service, demonstrated by postal receipts attached to the affidavit-of-service. Only one postal article, addressed to Purnima Das, was not delivered and returned. It appears that the person has died and her legal representatives have been substituted. In any event Court finds there has been service.

The first Court is directed to forthwith transmit the record to the lower appellate Court. The record must be despatched by 30th November, 2020. Petitioner will obtain and produce this order before both Courts below. It is expected that on receipt of LCR, lower appellate Court will then expeditiously deal with the appeal.

The petition is disposed of.

(ARINDAM SINHA, J.)