

28th February,
2022
(AK)
02

C.O. 423 of 2021
IA No: CAN 1 of 2021

(Via Video Conference)

Somnath Sarkar
Vs.
Ms. Atasi Saha and another

Mr. Aniruddha Chatterjee
Mr. Rahul Karmakar
Mr. Debabrata Roy
...for the petitioner.

Mr. Kushal Paul
...for the opposite parties.

Learned counsel for the applicant submits that a simple clarification is required in the judgment and order dated August 9, 2021 passed by this court in C.O. 423 of 2021.

It is contended that certain observations were made in the said order, which might affect the contentions of the parties at a latest stage of the proceedings pending in the court below.

After hearing learned counsel for both the parties, it is found that there is substance in such contention of the applicant.

Accordingly, CAN 1 of 2021 is allowed, thereby treating the order dated August 9, 2021 to stand amended to the extent that the following sentence will be

deemed to be incorporated therein and to be a part of the said order:

“All observations made in this order shall be tentative in nature and shall not prejudice the rights and contentions of the parties in any other proceeding, including the pending suit in the court below”.

Let this order be treated to be a part of the order dated August 9, 2021 for all practical purposes.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)