

23.04.2021
SL No.4
Court No.17
(gc)

FMAT 199 of 2021
With
CAN 1 of 2021
With
CAN 2 of 2021

Sri Somnath Sanyal
Vs.
Mrs. Minati Mukherjee (Bartola)

(Via Video Conference)

Mr. Gourav Purkayastha,
Ms. Ishita Chatterjee,
Mr. Soumyajit Ghosal,
...for the Appellant.

Mr. Billwadal Bhattacharyya,
Mr. Debanik Banerjee,
...for the Respondent.

Re: CAN 1 of 2021

There is a delay of 611 days in presenting the memorandum of appeal.

The learned Counsel for the respondent submits that the application for condonation of delay may be allowed as the parties have now arrived at a settlement.

We are also otherwise satisfied with the explanations offered for not being able to prefer the appeal within the statutory period of limitation.

On the basis of the aforesaid, the application for condonation of delay, being CAN 1 of 2021, is allowed. The delay of 611 days in presenting the memorandum of appeal is condoned.

Re: FMAT 199 of 2021
With
CAN 2 of 2021

The learned Counsel appearing on behalf of the appellant and the learned Counsel appearing on behalf of the respondent have submitted that during the pendency of the appeal they have arrived at a terms of settlement, duly signed by both the parties and their respective attorneys, is produced before us for consideration.

In view of the fact that the parties have entered into a settlement during the pendency of the appeal and the terms are appeared to be lawful and also in accordance with Order 23 Rule 3 of the Code of Civil Procedure, the appeal and the connected application are disposed of on the basis of the terms of settlement filed in Court below.

In view of the aforesaid order, Money Suit No.11 of 1991 shall be decreed on the basis of the terms of settlement filed in Court today.

The department is directed to draw up the decree as expeditiously as possible on the basis of the terms of settlement.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)