

14 06.07.2021
AN Ct. No. 04

SAT 1982 of 2001

Koleswari Nandi
vs.
Nemai Chandra Dey

The second appeal tender is of year 2001. On 21st May, 2007 it was reported that certified copy of order of Misc. Case No. 10/92 had not been filed and for consideration as to whether the tender should be classified as second miscellaneous appeal tender (SMAT). None appears on behalf of appellant.

The original order is Order No. 24 dated 5th October, 1999 passed by the Civil Judge (Junior Division), 1st Court, Kandi in the Misc. Case No. 10/92 under sections 8 and 9 of West Bengal Land Reforms Act, 1955. Judgment in appeal was passed by the Additional District Judge, Kandi. This was as per provision in sub-section (6) of section 9 in the 1955 act. Said act does not provide for further appeal. Sub-section (6) provides for there being an order in appeal from the Munsif's order. As such, the appeal order is not a decree for application of section 100 in Code of Civil Procedure, 1908. In the circumstances, we find the appeal is not maintainable.

Since pursuant to report dated 21st May, 2007, appellant did not take steps on dates mentioned in ordersheet, we are convinced appellant has lost in case.

The appeal is dismissed.

(Arindam Sinha, J.)

(Biswajit Basu, J.)

