

05.08.2021

[28]

Suman

Ct.4

SMAT 3827 of 2001

Hamed Sk. @ Hamid Sk.

Vs.

Abu Bakkar

None appears on behalf of appellant. Same situation prevailed on 29th July, 2021 when following order was made.

"The second miscellaneous appeal tender is of year 2001. Though printed list has been published but none appears on behalf of appellant.

We have perused report dated 15th July, 2021 of Additional Stamp Reporter stating, with reference to sub-section (6) in section 9 of West Bengal Land Reforms Act, 1955, it is for consideration of Court whether the appeal is maintainable.

Sub-section (6) provides for appeal, from order of the Munsif to the District Judge. The latter is to pass order on the appeal. Section 100 in Code of Civil Procedure, 1908 provides for appeal from appellate decree while section 104 provides for appeals from orders. Order

XLIII provides for the orders under the provisions of section 104, from which appeal lies. Order passed under said Act does not find place in Order XLIII.

List under heading 'For Dismissal' on 5th August, 2021."

SMAT 3827 of 2001 is dismissed.

(Arindam Sinha, J.)

(Saugata Bhattacharyya, J.)