

16.04.2021

FMA 530 of 2021
I.A. No. CAN 1 of 2019 (Old No. CAN 8364 of 2019)

Sri Sudhindra Nath Ghosh & Anr.
vs.
Kolkata Municipal Corporation & Ors.

(Via Video Conference)

Mr. Bratin Kumar Dey
....for the Appellants/Petitioners

Mr. Biswajit Mukherjee
Mr. Swapan Kumar Debnath
.....for the Respondents/K.M.C.

The petitioners have preferred the instant appeal challenging an order dated July 11, 2018 by virtue of which a direction was passed for exchange of affidavits.

Today, on a query of this Court, Mr. Mukherjee, learned Advocate appearing for the Kolkata Municipal Corporation submits that although the draft of the Affidavit-in-Opposition is ready but the same, is yet to be affirmed. Mr. Mukherjee prays for a week time to affirm and file the said Affidavit.

Since the issues raised in the writ petition are yet to be adjudicated by the Hon'ble Single Judge and by the order impugned only directions were passed for exchange of Affidavits, we are not inclined to interfere with the said order in this appeal.

However, since the time fixed by the Hon'ble Single Judge for exchange of affidavits has expired in the meantime, such time is extended by this Court on the prayer of the respective parties.

Let Affidavit-in-Opposition to the writ petition be filed by the Kolkata Municipal Corporation by April 27, 2021; reply thereto, if any, be filed by May 4, 2021.

Parties will be at liberty to mention the matter for inclusion in the list for hearing after expiration of the period fixed for exchange of Affidavits.

With the directions as aforesaid **FMA 530 of 2021** along with **CAN 1 of 2019** are disposed of without however any order as to costs.

(Hiranmay Bhattacharyya, J.)

(Subrata Talukdar, J.)