

1 19.07.2021

**F.M.A.T. 29 of 2021
With
CAN 1 of 2021**

**Dr. Nitin Nayak
Vs.
Sri Babu Nanda Mishra & Ors.**

Mr. Baidurya Ghosal For the Appellant

**Mr. Sukanta Chakraborty
Mr. Sayan De
Mr. K. Shome For the Respondent Nos. 1 – 3.**

Re: CAN 1 of 2021

It appears that this appeal is an incompetent one. The impugned order is of 15th June, 2021 in Miscellaneous Judicial Arbitration Case No. 12 of 2021 in the court of the learned District Judge at Darjeeling.

It is clear from the submissions of learned counsel for the parties that subsequent to 15th June, 2021 proceedings have taken place before the learned court below and orders passed having an effect on the impugned order but they have not been brought on record in this appeal. We do not get any clear picture of the proceedings and the orders passed therein from learned counsel.

S.D.

According to the report of the stamp reporter there is also deficit in payment of court fees in this appeal.

We direct the advocate on record for the appellant to pay the deficit court fees immediately not later than

one week from date.

In those circumstances, we dismiss this appeal with liberty to file a fresh one.

The connected stay application CAN 1 of 2021 is disposed of.

(I.P. Mukerji, J.)

(Arindam Mukherjee, J.)

