

ORDER SHEET
APO 28 OF 2020
WITH
WPO 628 OF 2018
GA 1 OF 2020
GA 707 OF 2020
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

SURAJIT BISWAL ALIAS GOBINDO
Versus
PROBIR KUMAR DAS AND ORS.

BEFORE:

The Hon'ble JUSTICE SUBRATA TALUKDAR

The Hon'ble JUSTICE HIRANMAY BHATTACHARYYA

Date : 14TH JANUARY, 2021.

Appearance:
Mr. A. K. Ghosh, Adv.
Mr. A. Banerjee, Adv.
Ms. M. Nath, Adv.
For the KMC

The Court : None appears in support of the appeal.

No accommodation is sought.

Mr. Ghosh, learned Counsel, appears for the respondents/Kolkata Municipal Corporation (KMC) and submits that this appeal is not maintainable.

It is further submitted that the order is not a judgement and order within the meaning of Clause 15 of the Letters Patent, since the *lis pending* before the Hon'ble Single Bench is yet to be decided finally. It is pointed out that the Hon'ble Single Bench directed the writ petition to appear for consideration as a Specially Fixed matter on the 21st of January, 2021.

Considering the materials placed, *prima facie* this Court is persuaded to accept the submissions of Mr. Ghosh.

However, to grant the appellant an opportunity to assist this Court on the next date, let the matter be posted next under the heading **“Applications”** on the **19th of January, 2021**.

(HIRANMAY BHATTACHARYYA, J.)

(SUBRATA TALUKDAR, J.)