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05.05.2022
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

**SA No. 109 of 2011
(IA No: CAN 3/2019)(Old No: CAN 12773/2019)
(CAN 12773 of 2019 is not in file)
(CAN 5019 of 2019)**

**Smt. Minati Goon
-versus-
Jai Kishan Das Jindal**

Mr. Jayanta Samanta,
Mr. Sunil Kumar Brahmachari,
... for the appellants.

**Re: IA No: CAN 3/2019)(Old No: CAN
12773/2019.**

This is an application for recalling of the order dated November 18, 2019 whereby the present second appeal was dismissed for default.

The application although is appearing in the list but it is not on record, as such, Mr. Jayanta Samanta, learned counsel for the appellant, files a photocopy of the said application which is taken on record and be treated to be a part of the record as original.

Perused the application.

It appears that the appellant was prevented by sufficient cause from appearing before the Court when the appeal was called on for hearing.

The order dated November 18, 2019 is therefore recalled.

SA 109 of 2011 is restored to its original file and number.

The application being IA No: CAN 3/2019)(Old No: CAN 12773/2019 is thus disposed of without any order as to costs.

Re : CAN 5019 of 2019.

This is an application for addition of the applicant as the appellant no. 2 in the present appeal.

The applicant is claiming that during the pendency of the second appeal, the sole appellant has transferred her right, title and interest over the suit property to him vide Deed No. I-1606-05089 for the year 2018.

In view of the said devolution of interest over the suit property, the applicant be added as the appellant no. 2 in the present second appeal.

The department is directed to carry out necessary amendment in the cause title of the Memorandum of Appeal.

The application being CAN 5019 of 2019 is thus disposed of without any order as to costs.

Re : SA 109 of 2011.

Mr. Jayanta Samanta, learned counsel for the appellants, submits that the appellants are not interested to proceed with the appeal and he files written instructions of his clients to the said effect, which are taken on record.

In view of such stand of the appellants, SA 109 of 2011 is dismissed as not pressed without any order as to costs.

Interim order, if there be any, stands vacated.

The department is directed to send down the lower Court records immediately.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)