

**Smt. Anima Chatterjee
Vs.
Chairman cum M.D, Bharat
Cooking Coal Ltd.**

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Mr. Probal Mukherjee, Sr. Adv
Ms. Deblina Lahiri
Mr. Mrinmoy Chatterjee
Mr. Tarun Chetree
... For the Appellant

We appointed Mr. Probal Mukherjee, learned senior advocate, to assist the court on the admission of the second appeal.

We have heard Mr. Probal Mukherjee, learned counsel appearing for the appellant. We have carefully gone through the judgment and decree of the trial court as well as the first appellate court, although we may not fully agree with the findings that the suit may not be maintainable. However, having regard to the fact that monetary claim arose in the year 1984 and the husband of the plaintiff died in August 1996 the claim is barred by limitation. Moreover, it appears that the husband during his lifetime has withdrawn the earlier suit without any liberty to file afresh on the self-same cause of action. The cause of action appears to be overlapping.

On such consideration, the appeal accordingly fails.

The second appeal is, therefore, summarily dismissed under Order XLI Rule 11 of the Code of Civil Procedure at the admission stage.

There will be no order as to costs.

(Uday Kumar,J.)

(Soumen Sen, J.)

