

05.04.2022

Sl. No.24

Court No.8

BM

FA 88 of 2017

With

IA No.: CAN 1 of 2017(Old No.:CAN/2150/2017)

Smt. Dipali Chatterjee

Vs.

Sri Uttam Shaw

The appellant is not represented nor any accommodation is prayed on behalf of the appellant.

The appellant has remained un-represented on the earlier occasion. It appears that the applicant is enjoying an interim order passed in her favour on 17th May, 2017. In absence of the appellant, it is not possible to know whether the appellant has complied the order dated 17th May, 2017. Non-appearance of the appellant on consecutive occasions gives an impression that the appellant is not willing to proceed with the matter, in the process, the decree holder is unable to execute the decree. On the earlier occasion, we directed the Department to produce the LCR. The department has submitted a report wherefrom it appears that the Assistant Registrar-I, City Civil Court, Calcutta has prayed for one week's time to place the record and separating files of LCR and numbering all the pages of LCR in sequential manner. The said Registrar is prayed for two weeks time.

In view of the fact that the appellant is not represented, we dismiss the appeal and the application for default and

vacate the interim order passed on 17th May, 2017, if it had not stood vacated by this time in view of the non-compliance of the conditions stipulated in the order dated 17th May, 2017.

This order shall be communicated through the Registrar Administration (L&OM) to the learned Judge, 2nd Bench, City Civil Court, Calcutta where Title Execution no.53 of 2016 may be pending.

FA 88 of 2017 along with IA No.: CAN 1 of 2017(Old No.:CAN/2150/2017) accordingly stands dismissed for default.

However, there will be no order as to costs.

Order directing production of the LCR stands recalled.

This order shall be immediately communicated to the department concerned.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)