

(03)
10.05.2022
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

SA No. 104 of 2015
(IA No: CAN 02/2021)
Sri Uttam Chand Surana & anr.
-versus-
Sri Prabir Guha & ors.

Mr. Amitava Pain,
Mr. Subhrangshu Datta,
Mr. Partha Pratim Mukherjee,
... for the appellants/petitioners.
Mr. Arijit Sarkar, ... for the respondents.

The instant second appeal was allowed by the judgment dated March 15, 2022.

The matter has been brought to the list to obviate the difficulty in drawing up the decree. The learned advocate-on-record for the appellants with the leave of the Court corrected the Memorandum of Appeal to classify it as an Appeal from Appellate Order and accordingly, the appeal was classified as Second Miscellaneous Appeal and numbered as SMAT 2 of 2014.

The Hon'ble Division Bench by a subsequent order dated August 04, 2015 directed the appeal to be classified as Second Appeal as the said Hon'ble Division Bench opined that the appeal is from an Appellate Decree, accordingly, the appeal was classified being **SA 104 of 2015**, but the classification in the Memorandum of Appeal was not re-corrected, it remained classified as the appeal from Appellate Order, as a consequence thereof, the department is facing a difficulty in drawing up the decree.

To remove the said defect, learned advocate-on-record for the appellants is permitted to correct the Memorandum of Appeal as 'Appeal from Appellate Decree'.

The said judgment dated March 15, 2022 requires correction also as in the third line at the first page of the said judgment due to typographical mistake the date has erroneously gone down as April 17, 2013 instead of **April 30, 2013**.

The department is directed to correct the said date in the judgment dated March 15, 2022, the other portion of the said judgment shall remain unaltered.

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.)