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2022

AGM
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Ct
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C.O. 408 of 2022

**Smt. Ratna Chakraborty & Ors.
Vs
Smt. Rinki Chowdhury (Nee Sarkar)**

Mr. Rameshwar Sinha,
Mrs. Aparna Banerjee.
... for the petitioners.

Mr. Jayanta Narayan Chatterjee,
Ms. Nandini Chatterjee,
Mr. Nazir Ahmed,
Mr. S. Naskar,
Ms. Jayshree Patra,
Ms. Sreeparna Ghosh,
Mr. Suvrodeep Koly,
Ms. Dipannita Das.
... for the opposite party.

By the impugned order, the First Lower Appellate in Title Appeal No. 335 of 2016 in one go has declined to reduce the occupational charge from Rs. 5000/- to Rs. 2000/- for the non-appearance of the appellant, and dismissed the appeal for default for the self-same ground.

Admittedly an application for restoration is pending awaiting decision to be rendered by the First Lower Appellate Court.

Ms. Nandini Chatterjee, learned advocate for the opposite party disputes with the facts situation, as advanced by the learned advocate for the petitioners, and submits that the impugned order does not call for any interference.

In reply to the submission, learned advocate for

the petitioners incidentally proposes for a direction to be given so that the pending restoration application may be expeditiously disposed of by the First Lower Appellate Court.

Though learned advocate for the petitioners at the very threshold of this case, proposes for reduction of the occupational charges, but without the appeal being restored to its original file in accordance with law, the same cannot be addressed to.

Since an application for restoration is pending before the First Appellate Court, the same may be disposed of expeditiously, preferably within a period of Six (06) months from the date of communication of this order to the learned court below, but without granting unnecessary adjournment, unless it is extremely unavoidable.

While endeavouring such exercise, an opportunity of hearing to both the parties must be ensured.

With this observation and direction, the revisional application stands disposed of.

(Subhasis Dasgupta, J)