

24.08.2022
SL No.10
Court No.8
(gc)

**FA 236 of 2010
CAN 3 of 2022**

**Krishna Gupta
Vs.
Ranjit Kumar Ghosal**

Mr. Shounak Mukhopadhyay,
Mr. Kallol Saha,
...for the Respondent.

Re: CAN 3 of 2022

In terms of our earlier order, an attempt was made to serve a copy of the application upon the appellant. It is submitted on behalf of the applicant/respondent that the appellant has left the suit premises. The affidavit of service shows that the envelope containing the petition addressed to the respondent at the address mentioned in the cause title of the memo of appeal furnished by the appellant was returned with the postal remark “no such person in this address, hence not known”. The appeal was dismissed for default on 13th April, 2022. The appellant has not restored it as yet.

This is an application for return of documents mentioned in Paragraph 5 of the petition.

Accordingly, we direct the department to return the original documents mentioned in Paragraph 5 of the Petition after retaining Photostat copies of the same on an undertaking that the original documents shall be produced in the event the appeal is restored and required

by the Court for proper adjudication of the appeal on restoration. The Photostat copies shall be compared with the original and duly countersigned by the Section Officer and the Advocate-on-record of the applicant/respondent.

An administrative notice along with a copy of this application shall be served upon the appellant at the address mentioned in the memo of appeal by the department through a special messenger cost at the costs, charges and expenses of the applicant/respondent in course of this week. All costs, charges and expenses for effecting service shall be deposited one week from date.

The original documents shall be handed over only after the administrative notice is duly served on the appellant and a report to that effect should be kept with the record.

Accordingly, the application being CAN 3 of 2022 stands disposed of.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)