

01.08.2022

Sl.No. 9
Ct.No.3
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMAT 130 of 2022

With

CAN/1/2022

With

CAN/2/2022

Sri Debasis Chatterjee
alias Chattopadhyay

Vs.

Aditi Satpati nee Chatterjee & Ors.

Mr. Sukanta Chakraborty

Mr. Somnath Roy

Ms. Susmita Mazumdar

...for the appellant

Mr. Arnab Dutt

...for the respondents

Re: CAN/2/2022 (Sec. 5)

Sufficient cause has been shown. The delay
in filing the appeal is condoned.

The application CAN 2 of 2022 under
Section 5 of the Limitation Act is allowed.

We direct the department to register the
appeal.

Re. CAN/1/2022 (stay)

We admit the appeal.

As the point involved is very short, we are in
a position to dispose of this appeal upon
dispensation of all formalities.

The pro-forma defendant no. 3 is aggrieved by the impugned judgment and order dated 28th September, 2021.

Learned counsel appearing for the appellant, the pro-forma defendant no. 3, submits that although arrayed as pro-forma defendants, the impugned order directs “both defendants” to maintain status quo. It is submitted that the order ought to have been more specific with regard to the description of the parties.

We find no infirmity in the order dated 28th September, 2021. The order has all along mentioned only defendant nos. 1 and 2 and not proforma defendants.

However, we make it absolute clear that the impugned order will not bind the proforma defendants.

The appeal and the connected stay application are, accordingly, disposed of.

(Subhendu Samanta,J.) (I. P. Mukerji,J.)