

27.09.2022
SL No.26
Court No.8
(gc)

SA 74 of 2022

**Gopal Chandra Daw
Vs.
Sanatan Kundu & Ors.**

Mr. Sounak Bhattacharya,
...for the Appellant.

The second appeal was tendered in the year 2016 and thereafter no attempt was made to move the second appeal. This appeal first appeared in the list of 9th September, 2022 and thereafter continued to appear in the list.

Mr. Sounak Bhattacharya, learned Counsel appearing on behalf of the appellant submits that during the pendency of the appeal, the appellate decree has already been executed.

In any event, we do not find any substantial question of law is involved in the second appeal.

Having regard to the clear finding of both the Courts below that there is a second default and suit is required to be allowed on the ground of default, the second appeal being SA 74 of 2022 stands dismissed at the admission stage.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)