

06.12.2022
SL No.21
Court No.8
(gc)

SAT 242 of 2016

**Sital Kumar Acharjee
Vs.
Sumanata Kumar Majee & Ors.**

This matter appeared in the warning list on 16th November, 2022 with a clear indication that the appeal shall be transferred to the daily list on 21st November, 2022.

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant, although, the appellant has sufficient knowledge and notice of the listing of this matter. This appeal was filed in the year 2016 but since then no attempt has been made to move this appeal. The defects have also not been removed.

The appellate order refusing to condone the delay in preferring the appeal passed on 10.02.2016 is a subject matter of challenge in this second appeal. The plaintiff filed a suit for specific performance and the suit was decreed on 30.07.2012. The First Appellate Court dismissed the appeal on the ground of limitation. The First Appellate Court was of the view that the appellant herein could not disclose any sufficient cause for not being able to prefer the appeal.

Since there is a deficit court-fee and no attempt has been made by the appellant to put in the deficit court

fees, we dismiss the second appeal for non-payment of the deficit court fees.

(Uday Kumar, J.)

(Soumen Sen, J.)