

Item-68. 20-12-2022

SAT 240 of 2010
CAN 1 of 2010 (old CAN 10353 of 2010)
CAN 2 of 2010 (old CAN 10358 of 2010)

sg

Ct. 8

Laxmi Rani Sarkar

Versus
Gita Paul & Ors.

The matter appeared in the warning list on 29th November, 2022 and thereafter transferred to the regular list on 5th December, 2022. There was a clear indication in the list that the matter shall be transferred to the daily cause list on 5th December, 2022 and since then the appeal is appearing in the list.

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant. The appeal is of the year 2010.

The appeal is defective. The record shows that on 1st December, 2010, the matter appeared before the coordinate Bench and on the prayer of the learned Counsel for the appellant, the matter was adjourned with liberty to take out an application for addition of defendant no.6 in the appeal within two weeks from the date of the order, in default, put up for final orders.

It appears that thereafter on 13th December, 2010, an application was filed for addition of party. However, no attempt was made to move the said application. The appellant has also filed an application for condonation of delay in filing the application for addition of party.

In view of the fact that in spite of sufficient notice, the appellant/plaintiff is not represented.

CAN 1 of 2010 (old CAN 10353 of 2010) and CAN 2 of 2010 (old CAN 10358 of 2010) are dismissed for default.

In view of the aforesaid dismissal, the appeal is dismissed as time barred.

(Uday Kumar, J.)

(Soumen Sen, J.)