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| Item-124. | 10-11-2022 | SA 25 of 2022<br>CAN 1 of 2006 (old CAN 9550 of 2006)     |
| sg        | Ct. 8      | Shyam Sunder Ghosh<br>Versus<br>Dinesh Chandra Das & Ors. |

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant even in the second call. The appellant was also not represented on the earlier occasion. In view of our earlier order, we propose to decide the admission of the second appeal.

The appeal is arising out of an order being Order No. 24 dated 20<sup>th</sup> May, 2006 and decree dated 20<sup>th</sup> May, 2006 passed by the learned Additional District Judge (Fast Track Court-III) at Sealdah affirming the judgment and decree dated 23<sup>rd</sup> June, 2003 and 30<sup>th</sup> June, 2003. The Appellate Court dismissed the appeal on 20<sup>th</sup> May, 2006. The appeal was preferred with an application for condonation of delay.

The First Appellate Court, on the basis of the evidence on record, has arrived at a finding that the appellant tried to misrepresent the fact and there is an inexcusable delay in filing the certified copy of the judgment and decree.

On such consideration, we do not find any reason to admit the second appeal. Moreover, we find that the appellant is not at all interested to proceed with the appeal as the appeal was filed in the year 2006 and thereafter, no attempt was made to move this appeal. We also find from record that on 1<sup>st</sup> October, 2021, a coordinate Bench directed the matter to be listed on 7<sup>th</sup> October,

2021 under the heading “For Dismissal”.

The appeal stands dismissed at the admission stage.  
However, there has be no order as to costs.

**(Uday Kumar, J.)**

**(Soumen Sen, J.)**