

18 17.01.2023
AN Ct. No. 08

SAT 38 of 2016
With
IA No. CAN 1 of 2016 (Old No. CAN 1438 of 2016)

Milan Saha
vs.
Saraswati Saha

The file is defective. A Coordinate Bench on 08.03.2016 adjourned the matter on the prayer of the appellant in order to enable the appellant to rectify the defects with a liberty to mention after rectification. It appears from the report of the Stamp Reporter dated 09.02.2016 that the appeal was presented with deficit court fees.

This matter was appearing in the Warning List of cases since 29.11.2022 until it was transferred to the regular list on 05.12.2022 and since then the matter is appearing in the list. The appellant is served due notice about the pendency of the appeal which clearly shows that the appellant is not interested to proceed with the appeal. No steps have been taken to remove the defects either.

The Section Officer's report shows that the defects as pointed out by the Stamp Reporter in its report dated 09.02.2016 have not yet been removed. In view thereof, the appeal stands dismissed for non-removal of such defects and non-payment of deficit court fees. The appeal has also become time barred. The appeal stands dismissed at the admission stage. Consequently, the connected application also stands dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)

