

05.10.2023
SL No.12
Court No.8
(gc)

**MAT 388 of 2023
CAN 1 of 2023
CAN 2 of 2023**

**Dr. Manik Bhattacharya
Vs.
Mala Rani Paul & Ors.**

Mr. Sourav Kr. Mukherjee,
Ms. Anjana Banerjee,
Ms. Sahana Pal

...for the Appellant.

Mr. Kaushik Chowdhury,
Ms. Soumoyadipa Kanu

...for the W.B.B.P.E.

Mr. Bhaskar Prasad Vaisya, Ld. A.G.P.,
Mr. Mrinal Kanti Ghosh,

...for the State Respondents.

1. The appeal is directed against the order dated 20th February, 2023 directing the petitioner to deposit costs of Rs.2 lakhs on or before 1st March, 2023, in default, appropriate steps would be taken against the applicant/appellant in accordance with law.
2. The learned Counsel appearing on behalf of the applicant/appellant has brought to our notice an order of the Coordinate Bench dated 2nd March, 2023 by which the order imposing costs in terms of the order dated 16th January, 2023 has been stayed until further orders. It appears from the order dated 20th February, 2023 that it was brought to the notice of the learned Single

Judge that an appeal has been preferred against the order dated 16th January, 2023 and the said appeal is pending. Notwithstanding such submission, the learned Single Judge extended the time to deposit the costs by 1st March, 2023.

3. In view of the fact that the order dated 16th January, 2023 has been stayed and the matter was returned to the Hon'ble Single Bench for being considered on merits, the order imposing costs is set aside.
4. Accordingly, the application for leave to file appeal being CAN 1 of 2023 is allowed and disposed of.
5. No order is necessary with regard to MAT 388 of 2023 and, accordingly, stands disposed of in view of the fact that the appeal is restricted to the imposition of costs.
6. In view of the disposal of the appeal, the application being CAN 2 of 2023 also stands disposed of.
7. The certified copy filed in Court is kept with the record.
8. The affidavit of service is also taken on record.

9. However, there shall be no order as to costs.

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

(Uday Kumar, J.)

(Soumen Sen, J.)