

Item-21. 10-10-2023

sg Ct. 8

FMA 1877 of 2015

Sukumar Ghosh
Versus
The State of West Bengal & Ors.

Mr. Tapas Kr. Dey, Adv.
Ms. Saswati Ghosh, Adv.
...for the appellant

1. The parties are not represented nor any accommodation is prayed for on behalf of the parties.
2. The appeal had appeared in the warning list of cases on and from 19th September, 2023 with a clear indication that the said matter shall be transferred to the Regular Bench on 6th October, 2023. The appeal is again listed today in the main cause list. All the parties have sufficient notice about the listing of the matter before the Regular Bench on and from 6th October, 2023.
3. The appeal was filed on 13-02.2015. The record shows that no attempt has been made to move this appeal after it was filed. No step has been taken to serve notice and prepare paper books. It clearly shows that the appellants are not interested to proceed with the appeal and have virtually abandoned the appeal.
4. However, we have considered the materials on record and the impugned order. In the absence of any challenge to the order of 4th June, 2013, no relief can be granted to the appellants. Although, we find that in the memorandum of appeal, reference was made to the order dated 4th June, 2023 but no certified copy of the said order has been annexed to the memorandum of appeal. In the order dated 9th January, 2015,

the learned Single Judge was of the view that there is no reason for any modification and/or clarification of the order dated 4th June, 2013.

5. Under such circumstances, we are unable to interfere with the order passed by the learned Single Judge.
6. The appeal fails. The appeal is, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)