

**24.08.
2023**

Ct. No. 04

Ab

**SMAT 5 of 2022
IA No. CAN 1 of 2022**

**Goutam Sundar Dey
Vs.
Debdas Halder and others.**

**Mr. Dipanjan Datta,
Mr. Sayan Datta,
Mr. Subhajit Chowdhury.
... for respondent no. 2 & 5.**

No one appears in support of the appeal, when the matter is called on. The respondent no. 2 and 5 is represented.

It appears that the appeal is not maintainable in view of Section 104(2) of the Code of Civil Procedure.

In view of the above, the appeal and the connected application being CAN 1 of 2022 is dismissed as 'not maintainable'.

(Harish Tandon, J.)

(Ajay Kumar Gupta, J.)

