

10th February,
2025
(AK)
11

F.A.T 102 of 2022
IA No: CAN 1 of 2022

Sri Sushil Chakraborty
Vs.
Smt. Juin Chatterjee and another

Mr. Sanjib Mitra

...for the appellant.

1. The stay application has been filed in connection with an appeal which has been preferred against the dismissal of the suit of the plaintiff/appellant for specific performance of a contract.
2. We find that since the suit itself has been dismissed, there is no scope of stay of operation of the decree, as a stay order would not serve any useful purpose.
3. Accordingly, CAN 1 of 2022 is disposed of without granting any stay.
4. However, the plaintiff/appellant is directed to put in requisites within a week from date for service of notice of appeal on the respondents.
5. The trial court records be called for by special messenger at the cost of the appellant, which costs are also to be deposited within a week from date.

6. The appellant shall prepare and file the requisite number of paper books within eight weeks from the date of service of notice of arrival of the trial court records on the learned Advocate for the appellant.
7. Liberty is given to the parties to mention the appeal for inclusion in the list as and when the same is ready for hearing.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)