

24.07.2023
Ct. No. 13
s/l..10
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F.M.A.T. 293 of 2023
With
IA No. CAN 1 of 2023
Sheikh Mohammed Saleh Ahmed
Vs.
Sheikh Mohammed Moshir Rahaman & Ors.

Mr. Sayak Chakraborty,
Md. Siraj Munir

...for the appellant/plaintiff

1. This Court notes with anguish, pain and shock that records of this Court have been tampered with by interpolation on the memorandum of appeal. No leave had been granted by this Court.
2. Learned counsel for the appellant indicates that his junior Mr. Md. Siraj Munir, Advocate has inadvertently made the corrections in the memorandum of appeal without informing him.
3. This Court is informed by its officer that the junior counsel had asked for the records to check if everything was in order, and as to it was marked 'defective' by the department. He was given the file bona fide.
4. It appears that the learned junior counsel has committed the interpolation in a rather surreptitious and sad manner.
5. Learned counsel Mr. Sayak Chakraborty tenders unconditional apology on behalf of his junior Mr. Munir.

6. Since Mr. Munir is a raw junior advocate, this Court takes a lenient view in the matter and allows the appellant to withdraw the appeal on the prayer made by Mr. Sayak Chakraborty.
7. F.M.A.T. 293 of 2023 shall stand dismissed as withdrawn.
8. In view of the above, CAN 1 of 2023 shall also stand dismissed.
9. Leave is, however, reserved to the appellant to file afresh on the self-same cause of action.
10. The original certified copy filed with the memorandum of appeal is returned to the advocate on record for the appellant on his undertaking to file a copy of the same.
11. There shall be no order as to costs.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)