

18.09.2023

Item No.5
Ct. No.236
PG

**S.A.T. 3447 of 2002
with
I.A. No. CAN 1 of 2002 (Old CAN 9690 of 2002)
Smt. Gaya Rani Ghosh & Ors.
Vs.
Sri Sristidhar Ghosh & Ors.**

This S.A.T. 3447 of 2002 has been described as C.O. 3447 of 2002 in the order sheets dated 2nd August, 2023 and 17th August, 2023.

This inadvertent error be rectified. C.O. 3447 of 2002 should be read as S.A.T. 3447 of 2002 in the order sheets dated 2nd August, 2023 and 17th August, 2023.

There is a delay of 51 days in preferring the appeal, as indicated by the department. Application (I.A. No. CAN 1 of 2002 (Old CAN 9690 of 2002) under section 5 of the Limitation Act was filed on 7th October, 2002. The petition is pending for nearly 21 years and none is found present on behalf of the appellants.

The conduct of the appellants is sufficient to infer that the appellants have lost interest in the matter.

Let the application (I.A. No. CAN 1 of 2002 (Old CAN 9690 of 2002) be dismissed for default. Consequently, the appeal stands dismissed being barred by limitation.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Siddhartha Roy Chowdhury, J.)