

08 16.11.23

Ct. No. 04

akd

S.A.T. 378 of 2019
CAN 1 of 2019 (Old No. CAN 10624 of 2019)

Sri Swadhin Chandra Roy & Ors.

Vs.

Mukul Chandra Roy & Ors.

Mr. Supratim Dhar,

Mr. Dhananjay Nayak.

... for the appellants.

Mr. Partha Sarathi Bhattacharyya,

Mr. Raju Bhattacharyya.

... for the respondent nos. 1-3.

Mr. Kumar Jyoti Tewari,

Mr. Aniruddha Tewari.

... for the respondent no. 4.

The instant appeal is filed at the behest of some of the defendants, who suffered the decree passed by the 1st Appellate Court on 29th July, 2019. The other defendants preferred a Second Appeal being SAT 392 of 2019 before this Court. The said appeal was taken up on 29th June, 2022 by a Co-ordinate Bench and the said judgement and decree dated 29th July, 2019 was set aside and the matter was remitted to the 1st Appellate Court to decide the appeal afresh.

Since the impugned judgement and decree has been set aside by a Division Bench of this Court, it enures to the benefit of all the defendants, who suffered the said decree. Therefore, the instant appeal at the behest of the other defendants is not maintainable.

The appeal being SAT 378 of 2019 is, thus, dismissed.

There will be no order as to costs.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

