

04 22.9.2023

Ct-08

ar

FMA 1443 of 2022

with
I.A No. CAN 1 of 2022

Dilip Kumar Haldar & Ors.

Vs.

State of West Bengal & Ors.

Mr. Golam Mustafa
Mr. T.S. Samanta
Mr. Sunirmal Sardar
... For the Appellants

1. In spite of service, the State respondents are not represented.

2. On an undertaking that the full court fees shall be paid by the petitioners within one week from date the impugned order dated 16th September, 2022 is set aside. The observation made in the impugned order that the certificates produced by the petitioners are disbelievable is also set aside.

3. We feel that the said certificates are taken into consideration for the purpose of ascertaining whether the appellants can be exempted from filing court fees and not for the merits of the matter.

4. If the certificates are issued by the competent authority certifying disability, such certificates cannot be disbelieved.

5. In view of the aforesaid, the appeal being FMA 1443 of 2022 stands disposed of.

6. In view of disposal of the appeal nothing

remains to be decided in the application for Stay being CAN 1 of 2022 and the same is accordingly disposed of.

7. However, there shall be no order as to costs.

8. Liberty to mention before the learned Single Judge.

9. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Prasenjit Biswas, J.)

(Soumen Sen, J.)

