

APOT /59/2023
IA No.GA/1/2023
IA No. GA/2/2023

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Original Side

ARUN KUMAR HAIT.
-Versus-
GIRDHARILAL SHEWNARAIN
TANTIA TRUST AND ORS.

Appearance:

Mr. Tanmoy Mukherjee, Advocate,
Mr. Emon Bhattacharya, Advocate,
Mr. Sourish Roy, Advocate
Ms. Pooja Sah, Advocate
...for the Appellant-petitioner
Mr. Debabrata Saha Ray, Advocate
Mr. Pingal Bhattacharyya, Advocate
Mr. Neil Basu, Advocate
for writ petitioner-respondent

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
The Hon'ble JUSTICE APURBA SINHA RAY

Date: May 04, 2023.

THE COURT: Affidavit-in-opposition and affidavit-in-reply in connection with the application for condonation of delay filed in court today be kept with the records.

Having heard Mr. Mukherjee, learned Advocate for the intending appellant, we notice that on the day the impugned

order was passed by the learned single Judge i.e. August 29, 2018, Mr. Mukherjee's client, who was the respondent no. 8 in the writ petition, did not appear before the learned single Judge. Learned single Judge has recorded in the impugned order that "the respondent no. 8 Head Master is not represented before this Court despite notice."

In view of the fact that in spite of receipt of notice, the intending appellant chose to stay away from Court on the day the writ petition was disposed of, we are not inclined to entertain the appeal by condoning the delay.

The appeal (APOT/59/2023) and the applications (IA No. GA/1/2023 and GA/2/2023) are accordingly dismissed.

This will not prevent the appellant from approaching the learned single Judge in accordance with law with an appropriate application. If such an application is made, learned Judge is requested to deal with the same in the manner as His Lordship may deem fit and proper.

(ARIJIT BANERJEE, J.)

(APURBA SINHA RAY, J.)

dg/