

AD-22
Ct No.16
18.11.2024
CP

FA No. 7 of 2019

Dilip Kumar Khaitan
Vs.
Pradip Kumar Khaitan & Ors.

Ms. Chumki Choudhuri

.....for the appellant.

Mr. Sukumar Bhattacharyya
Ms. Piyali Show
Ms. Puja Sonkar

.....for the respondent no.1.

Mr. Sibasish Ghosh
Ms. Oindrila Chatterjee

.....for the respondent nos. 2 to 4.

1. An adjournment is sought on the ground of Mr. Probal Kumar Mukherjee, Senior Advocate who is supposedly appearing for the appellant. However, it is pointed out rightly by learned counsel for the respondents that on an earlier occasion, it was indicated that a change has been taken from the learned advocate on record who briefed Mr. Mukherjee. As such, there is no reason as to why adjournment shall be granted on the ground as sought for.
2. Furthermore, it is evident from the records that it is the consistent effort of the appellant to stall the hearing of the matter. On November 5, 2024, none appeared for the appellant at the time of call,

although the respondent nos. 1 and 2 to 4 were represented through counsel. It was specifically recorded by the Court that as a last chance to the appellant to appear and move the appeal, the same was adjourned till November 7, 2024.

3. However, on the next returnable date, i.e., November 7, 2024, an adjournment was sought on behalf of the appellant. Since the learned advocate seeking adjournment did not give his/her name to the Court Officer, such name could not be recorded in the said order. However, we find that the consistent ploy of the appellant is to protract the litigation.
4. Accordingly, we do not find any reason for further adjourning the matter. Hence, FA No. 7 of 2019 is dismissed for default.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)