

23.04.2024
Sl. No.29(DL)
srm

C.O. No. 364 of 2024

Md. Quddus

Versus

Roshan Ara Begum

Mr. Tapas Kumar Manna,
Ms. Anindita Majumder

...for the Petitioner.

1. The revisional application arises out of orders dated July 1, 2023 and August 28, 2023 passed by the learned Judge, 10th Bench, City Civil Court at Calcutta, in Title Appeal No.29 of 2022.
2. By the order dated July 1, 2023, the learned court held that the judgment and decree appealed from need not be served upon the respondent along with the memorandum of appeal. By the order dated August 28, 2023, the learned court passed an order rejecting an application asking the appellant Roshan Ara Begam to appear in person before the court. The petitioner had an apprehension that the constituted attorney, namely, Md. Yusuf did not have any authority to file the appeal.
3. The learned court was of the view that there was no basis for such apprehension and there was no material to

justify such apprehension. The Advocate who filed the appeal had given the necessary certificate. Thus, the application was rejected.

4. I do not find any reason to interfere with the impugned orders. The petitioner has also failed to supply any material evidence before this Court to show that Roshan Ara Begum is either not alive or unwilling to proceed with the appeal and she had not executed any power of attorney in favour of Md. Yusuf.
5. The petitioner has been successful in the trial court. The landlord's suit was dismissed. The landlord has filed the appeal through a constituted attorney. Representation by a power of attorney holder is permissible in law. The learned court, upon perusal of the facts, arrived at a specific conclusion that there were no materials before the court which would suggest that the constituted attorney was an imposter and not authorised by the appellant. The certificate of the learned Advocate was taken to be correct.
6. Under such circumstances, this Court does not have any reason to hold the learned court had committed any error.

7. The petitioner is at liberty to contest the appeal in accordance with law.
8. The orders impugned do not call for any interference.
9. Accordingly, the revisional application is disposed of.
10. There shall be no order as to costs.
11. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)