

4th September, 2024
(D/L No.18)
Ct. No.4
(SKB)

FMAT 192 of 2024
IA NO: CAN 1 of 2024
IA NO: CAN 2 of 2024

Kalyan Kumar Sarkar
Vs.
Ayan Ganguly and others

Mr. Anuj Singh,
Mr. Sounak Mukhopadhyay,
Ms. Niharika Singh
...for the appellant.

Mr. Sourojit Dasgupta,
Mr. Bikramjit Mandal
... for the respondents.

1. The affidavit of service filed in court today is taken on record.

CAN 1 of 2024 (Condonation of delay)

2. This is an application under Section 5 of the Limitation Act for condonation of delay of 27 days in preferring the instant appeal.
3. It is submitted that the appellant being a senior citizen has faced some genuine difficulties in preferring the appeal and the delay of 27 days have crept in.
4. We find the averments made in the application and the submissions to constitute sufficient cause for condoning the delay.
5. Accordingly, the delay in preferring the instant appeal is hereby condoned.
6. Thus, CAN 1 of 2024 is disposed of.

Re: FMAT 192 of 2024

7. The appeal is admitted.
8. It is submitted by the learned counsel for the respondent that they shall be filing the written objection before the trial court with two weeks.
9. The learned counsel for the appellant submits that within three days thereafter they would be filing the affidavit-in-reply to the affidavit-in-opposition, if required, and pursue his pending application under Order 39 Rules 1 and 2 C.P.C.
10. In view of such submissions and since the matter is to be considered by the trial court, pendency of the present appeal and the application will serve no useful purpose.
11. Recording such submissions of the parties and directing the trial court or the court in charge to make all endeavours to dispose of the pending application under Order 39 Rules 1 and 2 by third week of November, 2024.
12. The appeal and the applications are, thus, disposed of without calling for the trial court records or formal preparation of paper books.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)