

26.09.2024.
Court No. 13
Sl. No. 37
sp

F.A. No. 205 of 2015
Pradip Gobinda Chowdhury
Versus
Samita Goswami & Anr.

Mr. Sourav Sen,
Mr. Triptimoy Talukder,
Mr. Diptomoy Talukder,
Mr. Avik Chowdhury
Mr. Abhiraj Tarafdar

..for the appellant

1. The respondents are not represented despite repeated notices.
2. The appeal is directed against an order dated 18th November, 2014 passed in O.S. No. 55 of 2014 (Prodip Gobinda Chowdhury Vs. Protima Ghatak) by the Additional District Judge, Fast Track Court-I, Barasat, North 24 Parganas.
3. This Court is shocked and surprised at the casual manner in which the suit was dismissed. The language of the Trial Court is unintelligible. The statements in the judgment are contradictory and self-defeating. Some of the sentences in the judgement are contrary to record.
4. In the above circumstances, this Court is left with no option than to set aside the judgment and

decree dated 18th November, 2014 and remand the matter back to the trial Court.

5. The trial Court shall first apply its mind to the orders already passed in the suit and to the evidence already on record.
6. Let a properly reasoned, rational and intelligible decision be recorded by the trial Court based on the evidence already on record.
7. Let a comprehensive final notice be issued by the trial Court below in addition to a formal notice by Speed Post with AD by the appellant on the substituted respondents, defendants in the suit. Let substituted service be effected by newspaper publication.
8. With the aforesaid observations, the appeal shall stand disposed of.
9. It is directed that the trial Court below shall hear the matter on remand afresh as expeditiously as possible, preferably within a period of 6 months from the date of communication of a copy of this order.
10. T.C.R., if any, be returned to the Court below.
11. The Registry of this Court shall communicate a copy of this order to the Trial Court below for necessary information.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)