

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 16.05.2024

DELIVERED ON: 16.05.2024

CORAM:

**THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

**M.A.T.757 of 2024
With
IA No. CAN 1 of 2024
+
IA No. CAN 2 of 2024**

**Omar Faruk Molla
Vs.
The C.E.S.C. Limited & Ors.**

Appearance:-

Mr. Shahjamal Hazra

.....for the appellant

Mr. Debanjan Mukherjee

.....for the C.E.S.C.

Mr. Bidyut Kumar Halder

Mr. Indranil Halder

.....for the respondent no.4

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

In Re. IA No. CAN 1 of 2024

1. There is delay of 26 days in filing the appeal. We have perused the affidavit filed in support of the petition and we find that sufficient cause has been shown for not being able to prefer the appeal within the period of limitation.
2. Accordingly, I.A. No. CAN 1 of 2024 is allowed and the delay in filing the appeal is condoned.

In Re. M.A.T.757 of 2024

3. This intra-Court appeal by the private respondent is directed against the order dated 26th February, 2024 in W.P.A. No.1186 of 2024.
4. After elaborately hearing the learned advocates for the parties, we find that the order and direction issued by the learned Single Bench was perfectly justified in the facts and circumstances of the case. The Court has also noted that the appellant, who was the private respondent in the writ petition does not claim exclusive title to the said plot of land. Apart from that, there was suppression of fact by the appellant inasmuch as the filing of the suit has not been disclosed before this Court.
5. For the above reasons, no ground has been made out to interfere with the said order passed by the learned Single Bench.
6. Accordingly, appeal and the connected application (IA No. CAN 2 of 2024) stand dismissed.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)