

Court No. 16
(266283)

SAT 217 of 2019

17.12.2024

(AD 31)

(S. Banerjee)

Gopal Doctor Road Jubak Sangha
Vs.
Sita Ram Singh & Anr.

Mr. Avirup Mondal
Mr. A. Z. Mondal

...for the respondents

This is the second successive occasion when none appears for the appellant, though the respondents are represented through counsel.

We find from the memorandum of appeal that the present appeal has been preferred against an order disposing of a miscellaneous appeal preferred against an interim order passed by the learned trial Judge in a suit in connection with an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure. Hence, the miscellaneous appeal itself was preferred under Order XLIII of the Code, against which no further appeal lies.

Thus, the present second appeal is not maintainable in the eye of law.

Accordingly, SAT 217 of 2019 is dismissed as not maintainable, with liberty to the appellant to prefer an appropriate challenge, if otherwise entitled

to in law, on the self-same grounds subject, of course, to the delay occasioned in preferring the same being condoned.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Sen, J.)