

9th December, 2025
(D/L No.7)
Ct. No.4
(SKB)

F.A. 220 of 2025

Smt. Sayantee Bhattacharyya
Versus
Dr. Subrata Bhattacharyya

Mr. Supratick Syamal
... for the appellant.

Ms. Sabarnee Chatterjee,
Mr. Dipankar Bose
... for the respondent.

1. The judgment dated 17.01.2024 in the present appeal was rendered by a Division Bench comprising of Harish Tandon, J. and Madhuresh Prasad, J. Thereafter, one of the members namely Harish Tandon, J. was elevated as a Chief Justice in another State and, therefore, vacated office as a judge of this court.
2. Since the judgment did not contain a formal order for drawing up a decree, the matter thereafter was placed before the Bench having determination of First Appeal. The co-ordinate Bench, in these circumstances, on 28.04.2025 recorded as follows:

“Learned counsel for the appellant points out that although the appeal had been decided by a judgment dtd January 17, 2024, there was no formal direction to draw up a decree.

Accordingly, a formal decree be drawn up on terms of the judgment dated January 17, 2024.”

3. The matter thereafter was placed before the Hon'ble Chief Justice.
4. Taking into consideration the provision contained in Order XX Rule 8 of the Code Civil Procedure; and since one of us (Madhuresh Prasad, J.) was a member of the Division Bench passing the judgment in the present appeal on 17.01.2024, the matter was assigned by the Hon'ble the Chief Justice vide assignment dated 11.06.2024 to this Bench for signing the decree as a successor court.
5. **Office** is directed to take steps accordingly.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)