

01.10.2024
(D/L 08)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 4208 of 2023

Smt. Kalpana Das
-Vs-
Shri Ananda Mondal & Anr.

Mr. Souradipta Banerjee,
Mr. Naba Krishna Das,
... For the Petitioner.

Affidavit-of-service filed on behalf of the
petitioner be kept with the record.

None appears on behalf of the opposite party
in spite of service.

The petitioner is the pre-emptee in a
proceeding under Section 8 of the West Bengal
Land Reforms Act, 1955 being *Misc. Case no. 82 of*
2006.

The said Misc. Case was allowed by the 2nd
Court of learned Civil Judge (Junior Division) at
Baruipur, District: 24-Parganas (South).

The petitioner aggrieved thereby had preferred
the connected *Misc. Appeal No. 1 of 2015*.

The learned Additional District Judge, Fast
Track Court at Baruipur, District: 24-Parganas
(South) by the impugned Order No. 75 dated
October 16, 2023 had rejected the reply of the
petitioner to the show cause issued consequent
upon her default in appearance on the ground that

the said reply was affirmed by the husband of the petitioner, a non-party to the said proceeding.

The husband, being the power of attorney holder of the petitioner, had affirmed the said reply; as such, dismissal of the said reply is not justified on the said ground.

The order impugned is therefore set aside.

The *Misc. Appeal No. 1 of 2015* is restored to its original file and number.

The Appeal Court below is requested to dispose of the said appeal expeditiously in accordance with law.

C.O. 4208 of 2023 is allowed with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)