

OD-5

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS/265/2012

TAPAN RANJAN MAITI
VS
SHYAMAL SARKAR

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : November 10, 2025.

Appearance:

Mr. Abhijit Sarkar, Adv.
...for the defendant

1. The matter was listed on 27th October, 2025, on receipt of the report from the office of the learned Master.

2. As none appeared on behalf of the either of the parties, accordingly, this Court directed to issue notice upon both the parties.

3. The Registrar, Original Side has filed the report intimating that notices have been served upon the parties. But in spite of the receipt of the notice none appears on behalf of any of the parties.

4. Mr. Abhijit Sarkar, learned Counsel appearing on behalf of the defendant submits that they have been instructed for appearing in the matter on behalf of the defendant.

5. It is found that this Court has passed an order on 24th April, 2024, and as per the requisite submitted by the learned counsel for the defendant, the certified copy of the decree was provided to the parties. Subsequently, the

plaintiff has engaged another advocate and without going through the record has taken leave from this Court to draw up and complete the decree and accordingly, this Court has granted leave and again the department has prepared the decree. Subsequently, the department came to know that the decree has already been passed and signed by this Court and second time a decree was signed.

6. In view of the above, this Court finds that once a decree has already been passed by this Court on 24th April, 2024, thus, the second decree prepared by the department as per the leave granted by this Court is null and void. Accordingly, the second decree prepared by the department be treated as cancelled.

(KRISHNA RAO, J.)

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