

Item-
22.

12-09-2025

sg

Ct. 16

**FA 134 of 2025
CAN 1 of 2025**

Dasarath Patial & Anr.
Versus
Prafulla Bera & Ors.

Mr. Sukanta Das
Mr. Snehasis Jana
Ms. Anukkha Bera Maiti

...for the appellants

Sk. Afrojul Haque

...for respondent/plaintiff

1. A party cannot conveniently appear and disappear in a proceeding. The defendant has practically abandoned the proceeding after filing the written statement.
2. It is being urged that the suit is barred by res judicata. On the contrary, we find that the learned Trial Judge has considered all the documents exhibited and on the basis of such documents, had arrived at a finding.
3. On such consideration, we do not find any reason to interfere with the preliminary decree.
4. The appeal and the application stand dismissed.
However, there shall be no order as to costs.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)