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11.9.2025
Ct. No. 16
SB

SAT 127 of 2025
CAN 1 of 2025

Shyamal Mudi
Vs
Smt. Sipra Koley & Anr.

Mr. Purnasish Gupta
Mr. Jayanta Kumar Mukhopadhyay ... for the appellant
Mahammad Mahmud ... for the respondents

1. The only ground on which we propose to interfere with the judgement of the learned Additional District Judge is that the said judgement is unreasoned. The conclusion arrived at by the learned First Appellate Court must reflect deliberation on the issues independent of the finding of the learned Trial Court and reasons has to be assigned for either accepting or rejecting the reasons furnished in the order of the learned Trial Judge.
2. Being the second appellate court, it would be difficult for us to appreciate the conclusion arrived at by the first appellate court unless it contains reasons for either accepting or rejecting the judgement of the learned Trial Court.
3. On such ground the order of the first appellate court is set aside. We direct the learned Additional District Judge, 5th Court, Howrah to give an opportunity to the parties to argue the matter afresh and dispose of the first appeal as expeditiously as possible preferably within a period of six months from the date of communication of this order.

4. The proceeding before the first appellate court should commence from the stage of argument.
5. The appeal and the application, are accordingly, disposed of.
6. The execution proceeding shall remain stayed till the disposal of the appeal.
7. However, we make it clear that we have not gone into the merits of this case.

(Soumen Sen, J.)

(Apurba Sinha Ray, J)