

Item- 25-09-2025
7.

sg Ct. 1

FMAT 220 of 2025
CAN 1 of 2025
CAN 2 of 2025

Aloka Mukherjee & Ors.
Versus
Barun Chandra Baganiya & Ors.

Mr. Gopal Chandra Ghosh, Sr. Adv.
Miss. Sunandana Saha
...for the appellants
Mr. M.R. Karmakar
...for the respondent nos.1-5,7&8

1. The affidavit of service filed in Court is taken on record.
2. An order dismissing the Misc. Case No. 65 of 2022 on the ground that it was filed beyond the period of limitation and no satisfactory explanation was offered in not being able to present on the day when the title appeal was dismissed, appears to be contrary to the record as the application for restoration was filed within the period of limitation. Moreover, it appears that for some time the original case record was not traceable.
3. It is submitted that the appeal is ready for hearing.
4. On such consideration, we set aside the impugned order with a direction to the learned Additional Sessions Judge, 1st Court & Special Court, Bongaon, North 24 Parganas to dispose of the appeal preferably within a period of six months from the date of communication of this order subject to convenience of the learned court.
5. The parties are directed to file their written notes in the title appeal by 15th November, 2025.
6. The period of six months shall commence from 15th November, 2025.

7. With the above directions, the appeal and the applications are accordingly, disposed of. However, there shall be no order as to costs.
8. Urgent photostat certified copy of the order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Soumen Sen, C.J. (Acting)]

(Apurba Sinha Ray, J.)