

Item- 37. 10-09-2025

sg Ct. 16

**FAT 309 of 2025
CAN 1 of 2025
CAN 2 of 2025**

Bahamoni Hansda
Versus
Anil Singha & Ors.

Mr. Sourav Sen
Mr. P. Chakraborty

...for the appellant

Ms. Subhabati Dalai

...for the respondents

1. There is a delay of 2521 days in preferring the preliminary decree. It is submitted on behalf of the appellant that the appellant was initially left out in the partition suit and subsequently, she was substituted and in such proceeding, a counter-claim has been filed by the present appellant. Surprisingly, the application for recalling of the preliminary decree was not pressed for reason best known to the appellant. The Commissioner has already entered reference.
2. We cannot anticipate at this stage that the learned Trial Judge, before whom the final decree proceeding is pending, would disregard the pleadings filed by the appellant and it would be open for the learned Trial Court, if satisfied, to modify the preliminary decree and proceed afresh.
3. With the aforesaid observations, the appeal and the applications are disposed of. However, there shall be no order as to costs.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)