

17.12.2025
Item No.17
Ct. No. 1
KS

**F.M.A. 1282 of 2025
With
I.A. No. CAN 1 of 2025**

**Swasti Ranjan Sarkar Sharma
Vs.
Laxmibala Sarkar & Ors.**

Mr. Intiaz Ahmed
Mr. Shyamal Mondal
Mr. Ghazala Firdous
Mr. Ayan Mitra
Ms. Ahana C Routh
Sk. Saidullah
Mr. Mithun Mondal
Md. Arsalan

.....For the Appellant

Mr. Amitabha Ghosh
Ms. Arpita Paul Biswas

.....For the Respondent No.1

Mr. Swapan Banerjee
Mrs. Diptendu Narayan Banerjee
Mr. Bikash Goswami

.....For the State

Mr. Bratin Kumar Dey
Mr. Subhankar Banerjee
Mr. Kaustabh Banerjee

.....For the Respondent No.7

PER, SUJOY PAUL, ACJ.:

1. Parties are represented through their respective
learned counsels.
2. Affidavit-of-service filed in Court and the same
is taken on record.

3. The challenge in this intra-Court appeal is mounted to the order dated 25.06.2025 passed in W.P.A. 11973 of 2025. The present appellant/respondent no.7 assailed the order of learned Single Judge by contending that the said order was obtained by practicing fraud and the order runs contrary to statutory provisions because remedy lies before a different forum.
4. However, during the course of hearing, learned counsel for appellant fairly submitted that by efflux of time, order of learned Single Judge dated 25.06.2025 has already been implemented.
5. Thus, in our opinion, the question raised at present became academic in nature. We cannot put the clock back in the peculiar facts and circumstances of this case. So far argument of Mr. Imtiaz Ali that remedy for a case of this nature is elsewhere, we are inclined to observe that in that case, it will be open to the appellant to approach the appropriate forum for any

desired relief. In that case, any observation made by learned Single Judge in impugned order shall not bind the parties and appropriate forum shall decide the matter on its own merit.

6. With this aforesaid observation, intra-Court appeal being, F.M.A. 1282 of 2025 stands disposed of.
7. Connected application also stands disposed of.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)