

16.12.2025
Court No.655
Item No. 86
sp

S.A.T. 3085 of 2006
Musst. Samsunnesa & Ors.
Vs.
Khatija Khatoon & Ors.

Mr. Amitava Pain
Mr. Partha Pratim Mukhopadhyay.
..for the respondents.

1. The appellants are not represented.
2. Learned advocate for the respondents is present
3. In pursuance of the directions passed by this Court on 13.05.2013, a report has been submitted by the learned Assistant Registrar (S.R. Section), wherein it has been indicated that the Memo of Appeal suffers from certain defects.
4. On 25.09.2025, the learned Advocate for the appellants was present before this Court, and in the presence of both the parties, a specific direction was issued upon the appellants to take appropriate steps to cure the defects pointed out by the Department, as reflected in the said report, within one week from the reopening of this Court after the 'Puja vacation'. However, despite the passage of sufficient time, the appellants have failed to comply with the said direction

and no steps have been taken to rectify the defects in the Memo of Appeal.

5. It has further been submitted by the learned Advocate appearing for the respondents that on an earlier occasion also, the appellants were directed to file the requisite paper book, but the said direction was not complied with. Consequently, the appeal was dismissed by this Court for non-compliance of the said direction. Although the order of dismissal was subsequently recalled and the appeal was restored by a later order, it is evident from the record that the appellants have continued to remain non-compliant. Even after being afforded another opportunity by the order dated 25.09.2025 to cure the defects in the Memo of Appeal, as pointed out by the Department, the appellants have failed to take any steps in that regard.

6. In view of the continued inaction and apparent reluctance on the part of the appellants to prosecute the appeal and to comply with the directions passed by this Court, this Court is left with no alternative but to dismiss the appeal for non-compliance.

7. Accordingly, S.A.T. 3085 of 2006 stands **dismissed** for non-compliance of the directions passed by this Court on 25.09.2025. There shall, however, be no order as to costs.

8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Prasenjit Biswas, J.)