

D/L.15.
March 17, 2025.
MNS.

FAT No. 93 of 2024
+
CAN 1 of 2024
+
CAN 2 of 2024

Shri Avijit Chattopadhyay
Vs.
State of West Bengal and others

Mr. Dilip Kumar Saila

... for the appellant.

Mr. Biswabrata Basu Mallick,
Mr. Gourav Das

...for the State/respondents.

Re : CAN 1 of 2024 (condonation of delay)

1. Upon hearing learned counsel for the parties, we are of the opinion that sufficient cause has been shown for preferring the appeal out of time.
2. Accordingly, CAN 1 of 2024 is allowed on contest, thereby condoning the delay in preferring FAT No. 93 of 2024.
3. There will be no order as to costs.
4. The appeal is deemed to stand registered and admitted.

Re: CAN 2 of 2024 (stay application)

5. This is an application for stay of the impugned decree.

6. The decree impugned in the appeal is one whereby the money suit of the plaintiff/appellant has been dismissed.
7. As such, since no positive direction has been passed by the impugned decree, there is no scope of stay of the same.
8. Accordingly, CAN 2 of 2024 is dismissed on contest without any order as to costs.

Re: FAT No. 93 of 2024

9. In view of appearance on behalf of the respondents through their learned Advocate, service of notice of appeal on the respondents is dispensed with.
10. The trial court records be brought by Special Messenger at the cost of the appellant, to be deposited within a week from date.
11. Upon service of notice of arrival of the trial court records on the learned Advocate for the appellant, the appellant shall prepare and file the requisite number of paper books within eight weeks thereafter.
12. Liberty to the parties to mention the appeal for inclusion in the list for hearing as and when the same is made ready for hearing.
13. It is made clear that since the appellant is submitted to be appearing through the Legal Aid Services, the expenses as indicated above shall be

borne by the State / High Court Legal Aid Services
Authority on behalf of the appellant.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)