

Laxmi Narayan Jalan and ors. Vs. Prabir Kumar Jalan

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Court : Kolkata

Decided On : Aug-23-2012

Judge : Sengupta

Appellant : Laxmi Narayan Jalan and ors.

Respondent : Prabir Kumar Jalan

Judgement :

IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction Original Side
Present : The Honble Justice Sengupta And The Honble Justice Asim Kumar Mondal 23.08.2012 APOT 28 of 2012 GA 139.of 2012 CS 9.of 2011 Laxmi Narayan Jalan & ORS.versus Prabir Kumar Jalan The Court :- No order can be passed on this application as the Memorandum of Appeal has neither been filed with the certified copy of the impugned judgment and order under Chapter XXXI of the Original Side Rules of this Court not any application has been made properly to obtain leave of the Court to file the memorandum of appeal without the certified copy of the judgment and order upon usual undertakings as per practice and procedure of this Court.

The relief s claimed in this application inter alia are as follows :(a) Delay, if any, be condoned in preferring this appeal and leave be granted to file the memorandum of appeal without the drawn-up certified copy of the decree.

(b) Stay of the judgment and decree dated 6th February, 2012 passed in G.A.No.2658/12, G.A.No.2656/12 in connection with the C.S.No.97/12 (Prabir Kumar Jalan versus Laxmi Narayan Jalan & ORS.(c) An order of injunction be passed restraining the learned Special Referee to proceed any further in the matter till the disposal of the instant appeal.

Accordingly, we dismiss this application on the ground as above.

The memorandum of appeal registered by the department being APOT 28 of 2012 shall be returned and deregistered.

Liberty is given to take steps in accordance with law and this order will not prevent and prejudice from doing so.

However, we make it clear in the event if any action is taken within one week from date then the time during which this application is pending shall be excluded for the purpose of computation of the limitation to the extent of period of pendency of the matter.

Department and all parties shall act on a xerox signed copy of this order on usual undertakings.

(Sengupta, J.) (Asim Kumar Mondal, J.) ANC.

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