

Appellant Vs. Respondent

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SooperKanoon Citation : sooperkanoon.com/1061264

Court : Kolkata

Decided On : Aug-29-2012

Judge : Sengupta

Appellant : Appellant

Respondent : Respondent

Judgement :

GA NO.1904 OF 201.GA NO.989 OF 201.APOT NO.132 OF 201.WITH APO NO.165 OF 201.CS NO.245 OF 200.IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE SAI MEDICARE PRIVATE LIMITED Versus ASOJ SOFT CAPS PRIVATE LTD.BEFORE: The Hon'ble JUSTICE SENGUPTA The Hon'ble JUSTICE ASIM KUMAR MONDAL Date :

29. h August, 2012.

Appearance: Mr.Suman Dutt, Advocate for appellant Ms.Ruma Sikdar, advocate for Official Liquidator The Court : It appears that no appeal has been preferred under the law.

No certified copy of the impugned order has been annexed with the Memorandum of Appeal not any step has been taken for putting in the requisition for drawing up and completion and for obtaining certified copy of the impugned order as there is no averment made in the application to this effect.

In fact, till today no requisition has been put in for drawing up and completion of the impugned judgment and order and, therefore, in the eye of law there is no appeal.

However, the court without aforesaid defect being pointed out has passed order in past.

Accordingly, we dismiss the appeal with the following order. This dismissal will not prevent and prejudice the appellant from preferring appeal in accordance with law as permitted by the Original Side Rules of this Court.

If such steps are taken within a period of fortnight from date then the time from which these applications were pending shall be excluded for the purpose of computation of limitation.

We are told that in terms of the interim order sufficient amount is lying deposited with the Registrar, Original Side.

The aforesaid amount will remain deposited for a further period of three weeks from date.

If no action is taken, it would be open for the parties to take action, in accordance with law, for appropriation of the money lying with the Registrar, Original Side.

Both the appeals appearing in the list being APOT NO.132 of 2011 and APO No.165 of 2011 are dismissed along with the connected applications.

Registrar, Original Side and all parties shall act on a xerox signed copy of this order on usual undertakings.

(SENGUPTA, J.) (ASIM KUMAR MONDAL, J.) sb.

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