

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

S.A.T. 202 of 2022

Maya Rani Sadhukhan and Ors.

Vs.

Smt. Doli Karmakar

Mr. Siva Prosad Ghosh ... For the Appellants.

Mr. Somnath Ray Chowdhury For the Respondent.

On 5th December, 2022, we had admitted the appeal on the representation made by learned counsel for the appellants that it was a second appeal and that the impugned judgement and decree was that of the first appellate court.

Today the appeal is appearing in the list under the heading 'To Be Mentioned'. We have perused the note of the stamp reporter that it is in fact a first miscellaneous appeal, as it is against an order of remand passed by the first appellate court.

We accordingly direct the department to number this appeal as a first miscellaneous appeal within one week of communication of this order.

S.D.

Taking the appeal to be a second appeal, we have admitted it on the substantial questions of law mentioned in the order dated 5th December, 2022.

By this order we had also directed preparation of paper books which according to learned counsel for the appellants have already been prepared.

Keeping the delay factor in mind, the inconvenience and cost that would be suffered by the appellants to file a fresh appeal and for the ends of justice, we modify the order dated 5th December, 2022 to the extent that the appeal would be heard on the substantial questions of law framed in that order and on any other question of law and also from findings of facts made in the impugned judgement and order.

Advocate on record for the appellants will be at liberty to file a supplementary memorandum of appeal within one week from date and a supplementary paper book within two weeks thereafter serving a copy thereof on the respondent at least seven days before the date of hearing of this appeal.

List the appeal for hearing on **14th June, 2023**.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

