

63. 21.3.2023

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

**SAT 22 Of 2022
With
CAN 1 of 2022**

**Nemai Chandra Kha
Vs.
Arabinda Ghosh and Ors.**

**Mr. Rajdeep Bhattacharya
SK. Abu Abbas Uddin
Ms.Nahid Raman** For the Appellant.

We admit the appeal on the following
substantial questions of law.

1. Whether on the facts and
circumstances of the case the learned judge
of the first appellate court was in error in
determining the right title and interest of
the respondents/plaintiffs in the suit
property ?
2. Whether on the facts and
circumstances of the case the learned judge
of the first appellate court made an error in
determining right title and interest of the
appellant/defendant in the suit property ?
3. Whether the impugned judgement and
decree can be called perverse in its
appreciation of law and facts?

S.G.

As the respondents are not represented, let a
formal notice of appeal be issued and served on them by

12th April, 2023.

Transmission of lower court records is dispensed with. We may call for it at the time of hearing, if required.

Advocate on record for the appellant shall prepare and file an informal paper book in this court by 4th May, 2023. At least one copy of the paper book should be served by the advocate on record for the appellant on the respondents' advocate on record not later than five days before the date of hearing of the appeal.

List the appeal for hearing on 17th May, 2023.

Let the application for stay/injunction be transferred to the Court of the learned Single Judge for being listed and considered subject to the convenience of this Bench.

(I.P. Mukerji, J.)

(Siddhartha Roy Chowdhury, J)

