

58 19.08.2021
AN Ct. No. 04

FMA 1013 of 2018
FMAT 815 of 2017
I.A. No. CAN 1 of 2017 (Old No. CAN 7409 of 2017)

Sri Shyama Prasad Mukherjee @ Mukhopadhyay
vs.
Sri Debidas Mukhopadhyay

Ms. Susmita Chatterjee ... for appellant

Ms. Chatterjee, learned advocate appears and submits, sometime last year her client had taken 'no objection' to obtain change. However, she was served notice dated 12th July, 2021 pursuant to earlier order dated 25th June, 2021, reproduced below:

"This first miscellaneous appeal tender is of year 2017. It has been listed to be moved for admission. However, none appears on behalf of defendant/appellant.

It appears by impugned order there was direction for maintenance of status quo on the injunction application and 23rd October, 2017 fixed for framing of issues. We presume trial commenced, which is why appellant is not before us.

Nevertheless let notice enclosing copy of this order be issued to the learned advocate. In event appellant continues to go unrepresented on adjourned date or thereafter, the appeal is likely to be dismissed.

List in monthly list of August, 2021."

Appellant had taken no objection long before 25th June, 2021 and thereafter failed to make alternative arrangement or at least bring it to notice of Court. The appeal was listed as uploaded on the website of this Court on 25th June, 2021. Printed list was thereafter published on and after 2nd August, 2021. The appeal has been car-

ried therein and called on today.

In view of above we are convinced appellant has lost interest.

FMA 1013 of 2018 with I.A. No. CAN 1 of 2017 (Old No. CAN 7409 of 2017) are dismissed.

Let a copy of the notice be kept with the record and the original returned to Ms. Chatterjee.

(Arindam Sinha, J.)

(Saugata Bhattacharyya, J.)