

28 29.11.2021

Ct-08

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FMAT 31 of 2018
with
I.A No. CAN 1 of 2019 (Old No. 5072 of 2019)
CAN 2 of 2021

Ashim Nath Das
Vs.
Achinta Nath Das

The appellant is not represented, nor any accommodation is prayed for on behalf of the appellant even in the second call.

It appears that the defects have not yet been cured.

We have perused the order under challenge. It appears from the order dated 28th August, 2017 in T.S No. 8576 of 2014 that the injunction application filed by the defendant was rejected by the trial court and fixed the suit on 24th October, 2017 for framing of issues. We could not find any infirmity in the injunction order.

We hope and trust, in the mean time substantial progress has been made in the suit and the suit might have been attended its finality, thereby rendering the present appeal infructuous in all practical purposes.

In view of the above, the appeal and the connected applications stand dismissed.

However, we direct the learned trial court to dispose off the hearing of the suit as early as possible, preferably within one year from the date of communication of this order, without granting any adjournment to either of the parties, unless it is unavoidable, if not already done by the trial court.

The Registrar Administration (L & OM) is directed to communicate this order the learned Civil Judge (Sr. Division), 1st Court, Barasat.

(Ajoy Kumar Mukherjee,J.)

(Soumen Sen, J.)