

27.01.2021
SL No.10
Court No.12
(gc)

**FMAT 131 of 2019
With
CAN 1 of 2019
(Old No: CAN 1532 of 2019)**

**Subhro Banerjee & Anr.
Vs.
Diligent Media Corporation Limited & Ors.**

(Via Video Conference)

The appellant is not represented either physically or on virtual mode, nor any accommodation is prayed for. Even on the last occasion, the appellant was not represented.

It appears that the appeal was presented on 4th February, 2019. The Additional Stamp Reporter indicated that there is a delay of 13 days in presenting the memorandum of appeal. Although an application for stay being CAN 1532 of 2019 has been filed but the defect has not been cured. On 20th January, 2021 in our order, we have specifically stated that if in the meantime the defect is not cured then the appeal shall be dismissed as time barred. Moreover, we have considered the order under challenge. It appears that the Trial Court fixed the matter on 29th November, 2018 to consider the injunction application.

On such consideration, we dismiss the appeal as time barred. Accordingly, the application for stay being CAN 1 of 2019 (Old No: CAN 1532 of 2019) also stand dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Aniruddha Roy, J.)

(Soumen Sen, J.)