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15-11-2021

Ct. 8

FMAT 151 of 2015
With
CAN 1 of 2015 (old CAN 2187 of 2015)
With
CAN 2 of 2015 (old CAN 2188 of 2015)

Ashim Biswas & Ors.
Versus
Monoj Agarwal & Ors.

(Through Video Conference)

By an earlier order dated 8th November, 2021 we adjourned this matter as the connected applications were not available on record. The appellants were not represented on the earlier occasion. It appears from record that the appellants have filed an application for condonation of delay.

No attempt was made by the appellants to have this applications and the appeal been heard. The application for condonation of delay was filed on 27th February, 2015. Moreover, we find from the impugned order that the matter was fixed by the trial court on 18th September, 2013 for hearing the petition filed under Order 39 Rule 4 of the Code of Civil Procedure. The stay petition must have been disposed of in the meantime by rendering the appeal as infructuous.

In view thereof, the application for condonation of delay stands dismissed for default.

In view of the aforesaid order, the stay petition and the appeal are also dismissed as time barred.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)