

25.01.2021
SL No.09
Court No.12
(gc)

FMAT 265 of 2019

**Partha De
Vs.
Bimal Bhowal & Ors.**

(Via Video Conference)

The appellant was not represented on the earlier occasion. The appellant is also not represented today either physically or on virtual mode, nor any accommodation is prayed for. We made it clear that in the event the appellant is not represented on the adjourned date, the matter shall be dealt with in absence of the appellant.

It appears that although the appeal was filed on 1st March, 2019 but no attempt has been made by the appellant to get the matter listed for admission. We have perused the order under appeal. The appeal is arising out of an interim order passed by the learned Trial Court in connection with the suit for specific performance. It appears from the order that in part compliance of the agreement, the plaintiff had paid a sum of Rs.1.65 Crore to the defendant No.1 for purchasing the suit property.

The learned Court below, in our view, has addressed the issues as those are required to be taken into consideration in an application for interim relief in connection with the suit for specific performance and in

view thereof, we do not find any reason to interfere with the order passed by the learned Trial Judge.

The appeal, accordingly, stands dismissed.

The learned Trial Court is requested to expedite the trial.

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

(Aniruddha Roy, J.)

(Soumen Sen, J.)