

DL. January
90. 21, 2021

F.M.A.T. 331 of 2020

Mr. Probal Kumar Mukherjee,
Mr. Arnab Mukherjee,
...for the appellant.

The learned advocate for the appellant is at liberty to remove the defects as pointed out by the as reported by the stamp reporter in his report dated March 16, 2020 here and now.

This appeal has arisen out of an order dated February 1, 2020 by which the ad interim order of injunction passed on January 7, 2015 was confirmed. By the order dated February 1, 2020, two applications – one under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure filed by the plaintiff/respondent no. 1 and the other under Order XXXIX Rule 4 of the Code filed by the defendant no. 1/appellant – were disposed of.

Mr. Probal Kumar Mukherjee, learned senior advocate appearing on behalf of the appellant, has fairly drawn our notice to an order passed by a co-ordinate bench of this court in F.M.A.T. 330 of 2020 in which the ad interim order of injunction dated February 1, 2020 was under challenge.

The said appeal was preferred by reason of dismissal of the application under Order XXXIX Rule 4 of the Code of Civil Procedure. The said co-ordinate bench, by order dated October 6, 2020, affirmed the order dated February 1, 2020 by which the ad interim order of injunction passed on January 7, 2015 was directed to continue till disposal of the suit.

In view of the aforesaid order dated October 6, 2020, the challenge thrown to the order dated February 1, 2020 in so far as it dismisses the application under Order XXXIX Rule 4 of the Code automatically stands vitiated.

Under such circumstances, this appeal is summarily dismissed under Order XLI, rule 11 of the Code of Civil Procedure.

There will be no order as to costs.

(Soumen Sen, J.)

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(Aniruddha Roy, J.)