

31.
sg 29-11-2021

FMAT 372 of 2018
CAN 1 of 2018 (old CAN 2525 of 2018)

Ct. 8

Arambagh Education Society & Ors.
Versus
Dr. Nemai Chandra Kundu

And

FMAT 373 of 2018
CAN 1 of 2018 (old CAN 2526 of 2018)

Arambagh Education Society & Ors.
Versus
Dr. Nemai Chandra Kundu

(Through Video Conference)

The appellants are not represented nor any accommodation is prayed for on their behalf even in the second call though the appellants have enough notice about the pendency of the appeal and the application.

It appears from order impugned that the audited balance-sheet and the audited report did not find that the defendant had defalcated money of the school. On the basis of such material and other available materials on record, the learned Trial Judge declined to grant injunction filed by the plaintiffs as well as the prayer for appointment of the receiver.

It appears from the impugned order that the suit was fixed on 10th July, 2018 for framing of issue. We, however, feel that the issues must have been framed by this time and the suit has attained its finality in the meantime.

In the event the suit is still pending, we direct the learned Trial Judge to dispose of the suit as expeditiously as possible, preferably within a period of one year from the date of communication of this order by the learned Registrar (L&OM) without granting any adjournment to either of the parties unless it

is unavoidable.

With the above observation, the appeal and the connected application are accordingly disposed of.

This order shall immediately be communicated to the learned Registrar (L&OM).

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)