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Ct-08

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FMAT 952 of 2015

with

I.A No. CAN 1 of 2015 (Old No. CAN 9138 of 2015)

CAN 2 of 2015 (Old No. CAN 10348 of 2015)

Sunita Gupta

Vs.

M/s. Bhutaria Properties & Anr.

It appears from the record that the appellant had filed an application for condonation of delay being CAN 10348 of 2015. However, this application was not brought to our notice on 11th November, 2021 when we directed the appellant to cure the defects.

The appellant is not represented nor any accommodation is prayed for. Even on the earlier occasion, the appellant was not represented.

We have perused the order under appeal. It appears that the impugned order was passed on 8th May, 2015 in connection with a petition filed under Section 151 of the Code of Civil Procedure which was filed on 13th April, 2015 and it has lost its force. Learned court below has fixed 25th June 2015 for hearing of the injunction petition in presence of the parties.

We are of the view that the interest of the plaintiff/appellant has been adequately protected by the order dated 2nd March, 2015 and by long passage of time the application for injunction must have been disposed of in the mean time.

Accordingly, we do not interfere with the order impugned. However, we condone the delay.

CAN 10348 of 2015 and CAN 9138 of 2015 stand disposed of.

In view of the above, FMAT 952 of 2015 is dismissed.

(Ajoy Kumar Mukherjee,J.)

(Soumen Sen, J.)