

ORDER SHEET
APOT 225 OF 2021
WITH
AP 278 OF 2021
IA No: GA 1 OF 2021
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

ANE INDUSTRIES PVT LTD AND ORS.
VS
SREI EQUIPMENT FINANCE LIMITED

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : 24TH December, 2021.

Appearance:
Mr. A. Mookerjee, Adv.
Mr. S. Ray, Adv.
...For the Appellant

Mr. Swatarup Banerjee, Adv.
...For the Respondent

The Court : We admit the appeal.

In our opinion, this appeal is misconceived.

The impugned order dated 9th December, 2021 clearly records that none had appeared for the appellants/respondents before the trial Court, neither any affidavit-in-opposition had been filed.

If the appellants/respondent felt aggrieved by the said impugned order dated 9th December, 2021, they should have approached the learned single judge for vacation or modification of that order in stead of approaching the appellate Court straightaway.

In those circumstances, this appeal (APOT No.225 of 2021) and the stay application (GA No.1 of 2021) are disposed of with liberty granted to the appellants/respondent to approach the learned trial judge.

(I. P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)