

8.
sg

23-03-2022

Ct. 8

FMA 959 of 2019
CAN 1 of 2018 (old CAN 10356 of 2018)

Golam Sarwar
Versus
HDB Financial Services Limited

(Through Video Conference)

Ms. Prajaaini Das, Adv.
...for the appellant

This matter was repeatedly adjourned on the ground of Mr. Asit Bhattacharya, learned Counsel representing the appellant. On the last occasion, we made it clear to his junior Mr, Devranjan Das, Advocate, that no adjournment shall be granted today.

The appeal is arising out of an order dated 12th December, 2018.

On 12th December, 2018, the plaintiff filed an application under Section 151 of the Code of Civil Procedure for extension of the ad-interim order of injunction. The Trial Court having noticed that the photocopy of the money receipt filed by the plaintiff has no relation to the bank concerned i.e. the respondent, vacated the interim order. Moreover it further appears that an application under Sections 5 and 8 of the Arbitration and Conciliation Act was pending at the relevant time.

On such consideration, we do not find any reason to interfere with the order dated 12th December, 2018.

The appeal stands dismissed. However, there shall be no

order as to costs.

In view of dismissal of FMA 959 of 2019, CAN 1 of 2018 (old CAN 10356 of 2018) is also, accordingly, dismissed.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)