

21.06.2022
SL No.20
Court No.8
(gc)

FMA 2169 of 2015

**Metro Merchants Pvt. Ltd.
Vs.
The Indian Performing Right Society Ltd.**

None appears for the parties even in the second call.

The order extending the interim order till 24th April, 2014 is a subject matter of challenge in this appeal. In the memo of appeal, the appellant has challenged the extension of the ad-interim order passed earlier without disclosing the copy of the original order by which the injunction was granted. The said interim order was extended on 24th March, 2014.

We presume that the injunction application must have been disposed of in the meantime. In view of the failure to disclose the initial order by which the ad-interim order was granted, it is not possible for us to decide whether there was any justification for extending the interim order. It also does not appear that any application was filed by the appellant for recalling or variation of the interim order. The learned Trial Judge fixed 24th April, 2014 for the defendant to file written objection. The ad-interim order was for a limited duration.

Under such circumstances, we do not find any reason to interfere with the order impugned.

Accordingly, the appeal being FMA 2169 of 2015 stands dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)