

05.07.2022  
SL No.31  
Court No.8  
(gc)

**FMA 730 of 2014  
With  
CAN 1 of 2013  
(Old No: CAN 9866 of 2013)**

**S.M. Razi @ Syed Mohd. Razi  
Vs.  
Sher Alam Khan & Ors.**

**(Through Video Conference)**

This matter appeared in the warning list on 29<sup>th</sup> June, 2022 and continued to appear in the list until it was transferred to the daily cause list today.

The appellant is not represented, nor any accommodation is prayed for on behalf of the appellant.

The appeal is arising out of an order dated 12<sup>th</sup> September, 2013 dismissing an application for injunction. The plaintiff filed the application for temporary injunction praying, inter alia, for an order of injunction restraining the defendants from disturbing the peaceful possession of the plaintiff and not to dispossess the plaintiff from its peaceful possession. It further appears that the plaintiff has also agreed to the proposals of the defendants in the affidavit in reply to the affidavit in opposition expressing his readiness to enter into the agreement if the plaintiff would be provided with identical accommodation after reconstruction. The building sanctioned plan also has taken into consideration. Having regard to the said proposal of the defendants, we find that the plaintiff is not entitled to order of injunction. In any event, the plaintiff

was assured of the said accommodation after construction and the defendants would be bound by such assurance. We dispose of the injunction application with the aforesaid observation.

Since the parties are not represented, let a copy of this order be communicated to the learned Judge, 5<sup>th</sup> Bench of the City Civil Court at Calcutta for information.

In the event the suit is pending, we request the learned Trial Judge to dispose of the suit as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

The appeal being FMA 730 of 2014 and CAN 1 of 2013 (Old No: CAN 9866 of 2013) stand disposed of.

However, there shall be no order as to costs.

**(Siddhartha Roy Chowdhury, J.)**

**(Soumen Sen, J.)**