

FMA 1709 of 2014

Ct-08

**Nemai De & Anr.
Vs.
Sri Sukumar Santra**

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The parties are not represented even in the second call, nor any accommodation is prayed on their behalf.

It appears that on the earlier occasion the parties were not also unrepresented and the matter was directed to appear on 5th July, 2021 “For Dismissal”.

The appeal has arisen out of an order dated 16th September, 2013 by which the ad-interim order was extended till 15th November, 2013.

The Trial Court fixed the said date for hearing of the injunction application and the application for amendment of the pleadings. The ad-interim order was passed on 30th August, 2013, on a prima facie satisfaction, recorded that the plaintiff has partly performed the contract.

On the basis of the facts recorded in the order dated 30th August, 2013, we feel that the extension of the interim order till 15th November, 2013, after the defendant nos. 1 & 2 entered appearance on 16th September, 2013, does not appear to be unreasonable. It does not appear that the defendants have ever prayed for variation and/or modification of the said interim order. It further appears that the matter appeared earlier on 1st July, 2021 when none had appeared on behalf of the parties. Accordingly the matter was fixed on 5th July, 2021 “For Dismissal”.

For the reason recorded above, we do not find any merit in the appeal and the appeal accordingly stands dismissed.

(Siddhartha Roy Chowdhury,J.)

(Soumen Sen, J.)