

27.06.2022
SL No.57
Court No.8
(gc)

**FMA 765 of 2013
With
CAN 1 of 2013
(Old No: CAN 293 of 2013)**

**M/s. Jeewanram Gangaram
Vs.
M/s. Shrinathji Trade & Invest Pvt. Ltd.**

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

The appeal was filed on 9th January, 2013. In the order dated 16th January, 2013, the appeal was formally admitted as various defects were noted by the learned Coordinate Bench. Thereafter, the matter was never perceived. It appears from the impugned order dated 17th December, 2012 passed in T.S. No.1588 of 2012 that the appeal was directed against an order restraining the appellant from collecting rent beyond the alleged proportion. The initial order directing the apportionment of rent is not under challenge. Moreover, we find that 16th January, 2013 was fixed for taking further steps in the matter. The initial order is not on record. In absence of the initial order by which the learned Trial Judge has directed apportionment of rent amongst the parties, it is difficult for us to comprehend the subsequent order continuing such apportionment. The two orders that are annexed to the memo of appeal do not specifically mention the share of rents amongst the parties. Moreover, we

presume that the said application must have been disposed of in the meantime. For the aforesaid reasons, we do not find any reason to admit the appeal.

Accordingly, the appeal being FMA 765 of 2013 stands dismissed.

In view of dismissal of the appeal, the application being CAN 1 of 2013 (Old No: CAN 293 of 2013) stands dismissed.

However, there shall be no order as to costs.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)