

25.11.2022
SL No.29
Court No.8
(gc)

FMAT 500 of 2014

**Gopal Sharan Dubey
Vs.
Asim Paul & Ors.**

This matter appeared in the warning list on 16th November, 2022 with a clear indication that the appeal shall be transferred to the daily list on 21st November, 2022.

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant, although, the appellant has sufficient knowledge and notice of the listing of this matter. This appeal was filed in or around May, 2014 but since then no attempt has been made to move this appeal. The defect indicated by the Additional Stamp Reporter on 8th May, 2014 has not yet been removed.

The appeal is arising out of an order passed by the learned XIIth Bench, City Civil Court at Calcutta in T.S. No.1734 of 2012. The plaintiff filed a petition for injunction. The plaintiff claims to be a monthly tenant under the defendants. The relationship of the plaintiff and the defendants was disputed by the defendants. The defendants denied not only the status of the plaintiff as a tenant but also it is claimed that the plaintiff is in possession of the suit property. The plaintiff having failed

to establish his possession in the suit property, the prayer for injunction was refused.

We do not find any reason to interfere with the order passed by the learned Trial Judge. Needless to mention that the observations made in the said impugned order are only for the purpose of deciding the said application and shall not influence the learned Trial Judge in disposing of the suit on merits.

Accordingly, the appeal stands dismissed.

However, there shall be no order as to costs.

This order shall be communicated to the learned XIIth Bench, City Civil Court at Calcutta for information and doing the needful.

(Uday Kumar, J.)

(Soumen Sen, J.)