

20.12.2022
SL No.189
Court No.8
(gc)

**FMAT 879 of 2014
CAN 1 of 2014 (Old No: CAN 7713 of 2014)
(not in file)**

**Altius Builders Pvt. Ltd.
Vs.
Mr. Kaushik Ganguly & Ors.**

This matter appeared in the Warning List of 29th November, 2022 with a clear indication that this matter shall be transferred to the Regular Bench on 5th December, 2022. Since then the matter is appearing in the list. The appellant has due notice of the matter. The appellant is not represented.

The appeal was presented on 31st July, 2014. The appeal is defective. No attempt has been made to remove the defects as pointed out by the Stamp Reporter in its report dated 5th August, 2014.

The appeal is arising out of an order dated 4th July, 2014 by which the plaintiff's prayer for ad-interim order of injunction was considered and refused. We have carefully read the order. The learned Trial Court refused to pass any ex parte ad-interim order out of taking into consideration that no right, title and interest has passed in favour of the plaintiff as the prayer was limited to question of rents from the tenants at the B Schedule premises. We are of the view that discretion exercised by the Trial Court at the ad-interim stage has been properly exercised.

In the unlikely event of the suit and the application being pending, we request the learned Civil Judge (Senior Division), 7th Court, Alipore to dispose of the suit on

merits as expeditiously as possible and preferably within a period of six months from the date of communication of this order by the Registrar Administration (L&OM) without granting any adjournment to either of the parties unless it is unavoidable.

The Registrar Administration (L&OM) shall communicate this order to the learned Trial Judge within two weeks from date.

The appeal, accordingly, stands dismissed at the admission stage with the aforesaid direction.

In view of dismissal of the appeal, the connected application also stands dismissed.

However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)