

14.03.2022
SL No.25
Court No.8
(gc)

**FMA 1208 of 2021
With
CAN 1 of 2020
(Old No: CAN 6 of 2020)**

**Smt. Sweta Sarkar
Vs.
Sri Swapan Basu & Ors.**

(Via Video Conference)

Mr. Samrat Dey Paul,

....for the Appellant.

The report filed by the learned Registrar Administration (L&OM) would show that the appellant has not taken any steps for effecting service of notice upon the respondents.

The learned Counsel for the appellant submits that subsequent to the order dated 1st October, 2019, nature and character of the suit property has been changed and third party interest has been created. However, we find that there is a complete lack of diligence on the part of the appellant to proceed with the injunction application. The learned Counsel also submits that in view of the changed circumstances, leave may be given to the appellant to file a fresh application before the Trial Court seeking necessary reliefs.

We are not inclined to make any observation in this regard. However, this order shall not prevent the

appellant to take appropriate steps in accordance with law.

With the aforesaid observation, the appeal being FMA 1208 of 2021 and the application being CAN 1 of 2020 (Old No: CAN 6 of 2020) stand disposed of.

However, there shall be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)