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Ct-08

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FA 183 of 2009

with

I.A No. CAN 2 of 2009(Old CAN No. 4291 of 2009)

CAN 3 of 2009(Old CAN No. 4292 of 2009)

CAN 4 of 2011(Old CAN No. 8361 of 2011)

Application is not with the file

CAN 5 of 2023

Sri Biswanath Manna

Vs.

Smt. Nilmoni Manna & Ors.

Mr. Rabindranath Mahata

... For the Appellant

Mr. Amal Krishna Saha

Mr. Souvik Sarkar

... For the Respondents

Re: CAN 2 of 2009(Old CAN No. 4291 of 2009) Injunction

CAN 3 of 2009(Old CAN No. 4292 of 2009) Stay

Both the applications were filed on 11th May, 2009. On 12th May, 2009 a coordinate bench passed the following order:-

“During the pendency of these applications, the respondents are restrained from putting the decree, in so far as it relates to payment of costs, into execution.

We, also, direct the parties to maintain status quo, as of today, as regards possession, nature and character of the disputed property during the pendency of the applications.”

The above interim order is still continuing. However, it appears that the appeal was earlier dismissed as against the respondent nos. 2,3,4 and 11 in terms of the order dated 24th March, 2014.

It further appears from the record that in spite of repeated direction no requisite has yet been put in by the learned advocate for the appellant for effecting service of notice of appeal

upon respondent nos. 1,5,6 to 10, 12 to 19. As a result whereof, we vacate the interim order passed earlier by a coordinate bench.

CAN 4291 of 2009 and CAN 4292 of 2009 are accordingly disposed of.

In view of non-compliance of the order dated 24th March, 2014, the appeal stands dismissed.

In view of the aforesaid order, CAN 5 of 2023 has now become infructuous and the same is accordingly dismissed along with CAN 8361 of 2011.

(Uday Kumar, J.)

(Soumen Sen, J.)

