

**ASR 1.**

**Amrita Jhunjunwala Khaitan**

**M/s Pranaj Merchants Private Limited & Anr.**

**CAN 1 of 2023**

**Mr. Meghajit Mukherjee**

.....for the appellant

On 11<sup>th</sup> May, 2023 another Division Bench then having determination to deal with this matter made an interim order restraining the respondents from interfering with the peaceful possession of the appellant of the suit property for a limited period and directed service of notice of the application on them. On the returnable date none appeared for the respondents and this court by its order dated 11<sup>th</sup> July, 2023 extended the interim order and directed another notice to be served on the respondents.

Even today none appears for the respondents in spite of the fact that according to Mr. Banerjee, learned Advocate appearing for the appellant, they have been duly noticed.

Considering the above facts and circumstances, there is no point, in our opinion, in following the usual procedure in an appeal by directing a notice of appeal

to be issued to the respondents followed by preparation of paper books etc.

Dispensing with all formalities and short-cutting the procedure, we treat the appeal as on the day's list and allow it by confirming the interim order made on 11<sup>th</sup> May, 2023 and setting aside the impugned judgement and order of the court below.

We further direct that the injunction application be heard out by the learned court below within three months from date. The interim order made on 11<sup>th</sup> May, 2023 by this court shall remain operative till the disposal of the said application or until further order whichever is earlier.

The appeal FMAT 216 of 2023 and the connected application CAN 1 of 2023 are disposed of by this order.

**( I. P. Mukerji,J.)**

**(Biswaroop Chowdhury,J)**