

24.
18-12-2023
(Ct. no.06)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
APPELLATE SIDE**

**FMA 475 of 2023
+
IA NO:CAN/1/2023**

**Alokesh Ganguly
Vs.
Suresh Prasad Gupta & Ors.**

Mr. Abhijit Ray,
Mr. Md. Ayaan

... For the Appellant.

This appeal has been preferred by the defendant no.1 in a suit for declaration and injunction, pending in the learned City Civil Court, Calcutta.

It appears that on May 19, 2023, an ad interim order of injunction that had been passed earlier, was extended till July 14, 2023. Challenging the order dated May 19, 2023, the present appeal was filed.

We are told that subsequently, the order of injunction has been extended from time to time and the next date for hearing of the injunction application is January 19, 2024, along with an application filed by the defendant no.1 (present appellant) for rejection of the plaint under Order VII Rule 11(d) of the Code of Civil Procedure.

In strict sense, the appeal has become infructuous, since the order appealed against has worked itself out. Hence, we dispose of the appeal by requesting the learned trial Court to dispose of the injunction application of the plaintiff and the demurer application of the defendant no.1, in accordance with

law, as expeditiously as possible and preferably within a period of three months from the next date of hearing.

The appeal and the connected application are, accordingly, disposed of.

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

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

(Supratim Bhattacharya, J.) (Arijit Banerjee, J.)