

28.04.2023
SL No.15
Court No.8
(gc)

SAT 235 of 2015

Raj Kapoor Jaiswal & Anr.
Vs.
M/s. Tarush Management Private Ltd.

The appellants are not represented, nor any accommodation is prayed for on behalf of the appellants. The appeal is of the year 2015. The matter initially appeared in the Warning List on 6th March, 2023 and thereafter transferred to the Regular List on 21st March, 2023. Since then the matter is appearing in the list. The appellants have due notice about the listing of the matter.

We have read the judgment of the Trial Court as well as the First Appellate Court and the grounds of appeal in order to find out whether the second appeal involves any substantial question of law.

The appeal is arising out of an order passed by the District Judge in an application filed under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure. The order was passed at the time of admission of the appeal. The plaintiffs filed the suit for declaration that the agreement for development in respect of the suit properties is required to be cancelled and permanent injunction.

We do not find any reason to interfere with the discretion exercised by the Trial Court at the ad-interim stage.

Accordingly, the second appeal stands dismissed at the admission stage.

However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)