

Item-21.	16-05-2023	SAT 380 of 2015 CAN 1 of 2015 (old CAN 7820 of 2015)
sg	Ct. 8	M/s. Merlin Projects Ltd. Versus Ashvin Vrajlal Shah & Ors.

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant.

The matter initially appeared in the warning list on 6th March, 2023 and thereafter transferred to the regular list on 21st March, 2023. There was a clear indication in the list that the matter shall be transferred to the daily cause list on 21st March, 2023 and since then, the appeal is appearing in the list. In spite of having due notice and knowledge that the matter is pending, the appellants are not represented. The appellants have also not taken any step to remove the defects as notified by the Additional Stamp Reporter on 10th August, 2015. It is clear that the appellant is not interested to proceed with the matter.

The judgment dated 8th May, 2015 passed by the learned Civil Judge (Senior Division), 8th Court at Alipore is the subject matter of challenge in this appeal.

The appeal is arising out of refusal to pass an ad-interim order of injunction.

We do not find any reason to interfere with the discretion exercised by the learned Trial Court to the refusal to pass any ad-interim order of injunction in Title Suit No. 8 of 2015.

Under such circumstances, the second appeal stands

dismissed. However, there shall be no order as to costs.

In view of the dismissal of the appeal, the connected application shall also stand dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)