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Ct-08

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FMAT 932 of 2014
with
I.A No. CAN 1 of 2014(Old CAN No. 8363 of 2014)

Md. Khurshid Alam & Anr.
Vs.
Md. Yousuf & Ors.

The appellants are not represented nor any accommodation is prayed for on their behalf. However in the order dated 24th January, 2023 the name of three advocates have been inadvertently mentioned as representing the appellants. It should be deleted from the order dated 24th January, 2023.

Let the mistake be corrected.

The other portions of the order dated 24th January, 2023 shall remain unaltered.

On the earlier occasion we made it clear that in the event the appellants are not represented we may dispose of the appeal and application on the basis of the available records.

The appeal has arisen from the judgment and order dated 26th February, 2014. We have also gone through the nature of amendment. It was former in nature and we are in agreement with the learned trial judge that the said amendment, if allowed, could not change the nature and character of the suit. However, we make it clear that the said amendment is not challenged in this appeal.

Under such circumstances, we do not find any reason to interfere with the judgment and order of the learned trial court. Moreover, we find that the plaintiff no. 1 and the defendant no. 2 were appointed as Joint-Receiver and they were directed to maintain proper accounts and submit report. The plaintiff no. 1 filed authenticated copies of rent.

The trial court was satisfied with the said report and found that there was no irregularity or illegality on the part of the plaintiff no. 1 in carrying out the direction passed by the learned trial court.

On such consideration, the appeal is accordingly dismissed at the admission stage along with CAN 8363 of 2014.

(Uday Kumar, J.)

(Soumen Sen, J.)