

12 17.01.2023
AN Ct. No. 08

FMAT 1090 of 2015

BOC India Ltd.

vs.

The Fertiliser & Chemicals Travancore Ltd. & ors.

The appeal is of the year 2015. The appeal is defective as the report by the Stamp Reporter in its report dated 29.09.2015. In spite of earlier direction dated 15.11.2021, no attempt has been made to remove the defects.

This matter was appearing in the Warning List of cases since 29.11.2022 until it was transferred to the regular list on 05.12.2022 and since then the matter is appearing in the list. The appellant is served due notice about the pendency of the appeal which clearly shows that the appellant is not interested to proceed with the appeal. No steps have been taken to remove the defects either.

The appellant is not represented in spite of notice. The appeal is arising out of the order passed by the learned Judge, 6th Court, Civil Judge (Senior Division) in connection with a petition under Section 5 of the Limitation Act.

We have carefully read the order under challenge. It appears that the appellant was negligent in conducting the suit before the learned trial court and could not offer any explanation for the delay of almost 8 months in preferring the appeal. Learned trial court has taken into consideration that the plaintiff did not take any step at least on seven occasions before the suit was decreed ex parte. On such consideration, we do not find any reason to

interfere with the order passed by the learned trial court.

The appeal stands dismissed however without any order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)