

APOT/15/2024
with
CS/221/2013
IA No.GA/1/2024

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

MARCO POLO RESTAURANT PVT. LTD.

-Versus-

AMIT TIWARI AND ORS.

BEFORE :
THE HON'BLE JUSTICE HARISH TANDON
And
THE HON'BLE JUSTICE PRASENJIT BISWAS
Date : 14th August, 2024.

Appearance :

Mr. Utpal Bose, Sr. Adv.
Mr. Aniruddha Chatterjee, Adv.
Mr. Siddhartha Banerjee, Adv.
Ms. Suchismita Ghosh Chatterjee, Adv.
Mr. Prasanta Naskar, Adv.
Mr. Abir Lal Chakraborty, Adv.
...for the appellant.

Mr. Suman Dutt, Adv.
Mr. Satadeep Bhattacharyya, Adv.
Mr. Shreyashi Das, Adv.
Mr. Himangsu Bhawsinghha, Adv.
Mr. Rohan Kumar Thakur, Adv.
..for the respondents.

The Court : The instant appeal arises from an order rejecting the application filed by the appellant seeking to withdraw the order more particularly the observations recording the consent given before the Court in relation to a deposit of a sum of Rs.25 lakhs. Since the said amount has already been deposited in terms of the order dated 15th April, 2024, in our opinion, the initial

cause of action is no longer surviving and, therefore, there is no justification in keeping the said appeal alive.

Accordingly, the appeal (APOT/15/2024) is hereby dismissed. Consequently, the connected application also stands dismissed.

For the purpose of bringing clarity into the issues, it is made clear that the appellate Court has no occasion to go into the merits of the contentions nor have gone into the stand taken by the appellant that the consent was not given or given without any instruction from the appellant and, therefore, such observations shall not be construed as sacrosanct.

(HARISH TANDON, J.)

(PRASENJIT BISWAS, J.)

A/s.