

AD-24
Ct No.16
10.06.2025
TN

FMAT 32 of 2025
IA No: CAN 1 of 2025
CAN 2 of 2025

Abhijit Das (in person)
Vs.
Gautam Das

Mr. Abhijit Das

....petitioner/appellant in person

Mr. Francis Samson Correa,
Mr. Sunny Nandy,
Ms. Oindrila Ghosal,
Ms. Sneha Singh

....for the respondent

1. Affidavit-of-service filed today be kept on record.
2. The present appeal has been preferred against an ad interim order of injunction dated March 02, 2022. The appellant/petitioner, appearing in person, submits that the appellant was under the impression that a direction given by a learned Single Judge of this court on September 13, 2023 in C.O. No. 2512 of 2023, asking the trial court to expeditiously dispose of the suit, would be complied with. However, the same has not been complied with by the learned Trial Judge. It is submitted by the appellant/petitioner that since he was under the presumption that the order of this court would be complied with, he did not take any step to prefer the appeal.

3. Ultimately, since the said timeline stipulated in the order of the learned Single Judge was not complied with, the appellant was prompted to prefer the present appeal.
4. However, upon hearing the appellant appearing in person as well as the learned Advocate for the respondent, we are unable to convince ourselves as to the sufficiency of the reasons for the huge delay of about 1041 days in filing the appeal.
5. The remedy of the appellant, in the event the appellant was aggrieved by the delay in disposal of the injunction application or the suit in the court below, is absolutely unrelated with the present challenge against the ad interim order of injunction. Such remedy against the inaction of the trial court, if any, would lie by way of a proper application or a complaint before the Bench taking up matters under Article 227 of the Constitution of India.
6. However, such inaction, even if any, does not furnish a defence for the huge delay in preferring the present appeal. The present appeal has been preferred against an ad interim order, the limitation for preferring which was ninety days from the date of the order.
7. As such, we do not find any reason being shown by the appellant for the delay in preferring the appeal.
8. Thus, IA No: CAN 1 of 2025 is dismissed on contest without any order as to costs.

9. Consequentially, FMAT 32 of 2025 is dismissed as time-barred.

10. Accordingly, CAN 2 of 2025 stands dismissed as well.

11. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)