

AD- 36
Ct No.16
22.04.2025
(SSS)

SMAT 2 of 2025
With
CAN 1 of 2025

Chandra Sekhar Dey
Vs.
Abhishek Kundu and Anr.

Mr. Subir Banerjee
.....For the Appellant.

1. Since the present appeal has been preferred against the reversal of an order of injunction in a miscellaneous appeal and as Order XLIII of the Code of Civil Procedure does not permit a further appeal from an appellate order passed in respect of an injunction order, the present appeal is not maintainable in the eye of law.

2. Accordingly, SMAT 2 of 2025 is dismissed as not maintainable, with liberty to the appellant to prefer a properly constituted challenge before the appropriate court/Bench against the order impugned herein.

3. The learned Advocate-on-record for the appellant is granted leave to take back the certified

copy of the impugned order upon furnishing a photocopy of the same for the records.

4. CAN 1 of 2025 is also dismissed as not maintainable in the light of the above observations.

5. No order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)