

11th February,
2025
(AK)
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F.M.A.T 117 of 2024
IA No: CAN 1 of 2024

Dr. Shibendu Kumar Ghosh
Vs.
Association of Physicians of India and others

Mr. Biswajit Hazra
Mr. Archisman Sain

...for the appellant.

Mr. Saptansu Basu, Snr. Adv.
Mr. Debabrata Sen

...for the respondent nos.1, 2 & 3.

Mr. Arun Kumar Das

...for the respondent nos. 4 & 5.

1. Learned senior counsel appearing for the respondent nos. 1 to 3 attracts the attention of the court to the order dated January 28, 2025 where the facts of the case were substantially recorded.
2. Also, learned counsel for the appellant submits on instruction that the appellant does not want to proceed further with the appeal.
3. As rightly contended by learned senior counsel for the respondent nos.1, 2 and 3, the appeal has, in any event, become infructuous in view of the present challenge being preferred against an *ad interim* order whereas the main temporary injunction application has been finally disposed of since.

4. Moreover, in the absence of any application for condonation of delay, the appeal, which is otherwise time-barred, also is *non-est* in the eye of law.
5. Accordingly, FMAT 117 of 2024 is dismissed as time-barred. CAN 1 of 2024 is also consequentially dismissed.
6. There will be no order as to costs.
7. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)