

D/L45
13.05.2025
Rohit
ct.no.16

**FMA 671 of 2024
With
CAN 1/2024**

**Pappu Sharma
Versus
Mani Shankar Ganguly&Ors.**

Mr. Narayan Ch. Ghosh

...for the Appellant

1. Even at the first glance, it is evident that the appeal arises out of an order, although couched as one under Section 151 of the Code of Civil Procedure, but seeking modification of an injunction application passed in connection with a Miscellaneous appeal.
2. In view of the bar under Section 104 (2) of the Code of Civil Procedure, no further appeal lies from an order passed in a Miscellaneous appeal under the said provision.
3. However, it will be open to the appellant to take recourse to the appropriate provision of law in preferring a proper challenge against the impugned order.

4. Accordingly, FMA 671 of 2024 is dismissed as not maintainable, with liberty to the appellant to prefer an appropriate challenge against the impugned order.
5. It is made clear that the merits of the case have not been gone into by this Court and it will be open to the appellant to prefer an appropriate challenge on all the grounds taken in the memorandum of appeal.
6. Leave is granted to the learned Advocate-on-record of the appellant to take back the certified copy of the impugned order upon furnishing a photocopy of the same for the records.
7. Consequentially, CAN 1 of 2024 is also disposed of.
8. No order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)