

11th February,
2025
(AK)
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F.M.A.T 499 of 2024
IA No: CAN 1 of 2024

Sri Asoke Kumar Sarkar
Vs.
Sri Tapas Kumar Sarkar and others

Mr. Debasis Sur
Mr. Hare Krishna Halder
Mr. Dilip Kr. Das

...for the appellant.

1. The present appeal has been preferred against an order passed in a Miscellaneous Appeal against an order of refusal of temporary injunction by the learned Trial Judge.
2. In view of the bar under Section 104 (2) of the Code of Civil Procedure, no further appeal lies against an order passed in a Miscellaneous Appeal under Section 104 and/or Order XLIII of the Code of Civil Procedure.
3. Accordingly, FMAT 499 of 2024 and the connected application bearing CAN 1 of 2024 are dismissed as not maintainable, with liberty to the appellant to approach the appropriate forum with a properly constituted challenge against the self-same impugned order.
4. Leave is granted to the learned Advocate-on-record for the appellant to take back the certified copy of

the impugned order upon replacing the same with a photocopy thereof for the records.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)