

DI. December
2. 22, 2020

Through Video Conference

F.M.A.T. 553 of 2020

Mr. Sakya Sen,
Mr. Ovik Sengupta,
Mr. Arindam Paul,
...for the appellant.

Mr. Partha Pratim Roy,
...for the respondents.

Although we feel that the learned trial judge in deciding the application for ex parte ad interim order discussed all relevant facts in support of the conclusion, which, however, is absent, but taking a holistic view of the matter, we are not inclined to interfere with the order as it appears that the impugned order is subsisting till December 24, 2020.

We, however, make it clear that on December 24, 2020 the learned trial judge shall decide the matter with regard to extension of interim order, if prayed for, only after hearing the appellant, namely, Ajanta De.

Mr. Sakya Sen, learned advocate representing the appellant submits that the appellant shall remain present at the hearing before the learned trial judge on December 24, 2020 and no adjournment shall be prayed on behalf of the appellant on that date.

We further make it clear that the learned trial judge shall decide the matter without being influenced by his earlier decision or by any of the observations made by us.

We also make it clear that we have not gone into the merits of the matter and the learned trial judge while deciding the

prayer for extension of interim order shall decide it by passing a reasoned order.

In view of the order passed, as above, the appeal itself is disposed of even at the admission stage.

In view of disposal of the appeal, nothing remains in the application for stay filed under CAN 1 of 2020 and the same is also disposed of.

There will be no order as to costs.

(Soumen Sen, J.)

dns

(Saugata Bhattacharyya, J.)