

DL. December
39. 1, 2021

Through Video Conference

F.M.A. 201 of 2017

Re: CAN 11966 OF 2016 (injunction)
filed on December 12, 2016.

Mr. Avijit Dey,
...for the appellants.

The respondents are not represented, in spite of service.

The affidavit of service filed in court today is kept on record.

Refusal to pass an ex parte ad interim order of injunction on September 29, 2016 is the subject matter of challenge in this appeal. the learned trial judge could not proceed with the matter since the lower court records have already reached this court in terms of an earlier order passed by this court.

We feel that the matter should be heard as expeditiously as possible by the trial court and for such purpose, lower court records be sent back to the court below immediately.

We direct the trial judge to dispose of the injunction application as well as the suit as expeditiously as possible.

Since the defendants are not represented, a copy of this order shall be communicated to the defendants immediately for information.

Let a copy of the plaint and the injunction application be served upon the defendants within two weeks from date by speed post with acknowledgment due. The defendants shall file their written objection to the application for injunction on or before January 15, 2022; reply thereto, if any, is to be filed by the plaintiff

within ten days thereafter.

The defendants are directed to enter appearance in the suit, if not already appeared, and file their written statement within four weeks from the date of communication of this order by the department concerned.

We make it clear that we have not gone into the merits of the matter and the learned trial judge shall decide the injunction application as well as the suit on merits without being influenced by any of the observations made in this order or in the impugned order.

The learned trial judge is directed to disposed of the injunction petition within six weeks from the date of receipt of record.

The order of status quo passed by a co-ordinate bench of this court granted on January 16, 2017 shall continue till disposal of the injunction application by the trial court.

The appeal and the connected application for stay, thus, stand disposed of.

There will be no order as to costs.

(Soumen Sen, J.)

(Ajoy Kumar Mukherjee, J.)

