

06.12.2021
SL No.19
Court No.8
(gc)

FMAT 926 of 2018

Buddhiswar Karmakar & Ors.

Vs.

Shadikul Daptari & Ors.

(Via Video Conference)

The appellants are not represented either physically or on virtual mode, nor any accommodation is prayed for on behalf of the appellants.

The appeal is arising out of an order dated 10th August, 2018 refusing the prayer for ad-interim order of injunction. The latest status report of the title suit shows that on 12th March, 2021, the petition was fixed for hearing. We have perused the order under challenge and we are of the view that having regard to the nature of the dispute between the parties at the ad-interim stage, the learned Trial Judge was justified in refusing to pass any ad-interim order of injunction.

The observations howsoever worded in the order under challenge and by us shall not influence the learned Trial Judge in disposing of the matter and we expect the Trial Court to dispose of the injunction application on merits if it is still pending being uninfluenced by the observations made by us in this order or by the impugned order. The Trial Judge shall dispose of the injunction application preferably within

four months from the date of communication of this order by the department.

The learned Registrar Administration (L&OM) is directed to ensure communication of this order at the earliest to the learned Trial Court for information and compliance.

With the aforesaid direction, the appeal being FMAT 926 of 2018 stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)