

3.12.2021
Court No.1
Sh/sb- 03

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

**FMAT 43 of 2021
With
IA CAN 1 of 2021**

**Lumina Developers LLP
-Vs-
Luxmi Township and Holding Ltd. & Anr.**

Mr. Shakti Nah Mukherjee
Mr. Partha Pratim Roy
Mr. Sounak Bhattacharya
Mr. Debanjan Das

.. For the Plaintiff/Appellant

Mr. Ratnanko Banerjee
Mr. Dipen Sarkar
Mr. A. Sinha
Mr. Ayush Jain
Mr. Deborshi Dhar

.. For the Defendants/Respondents

Party/Parties is/are represented in the order of their name/names as printed above in the cause title.

This is an appeal against the order of the Learned Trial Court refusing the plaintiff/petitioner's prayer for ad interim injunction.

The suit is for specific performance.

Mr. Mukherjee, learned Senior Counsel, submits that the plaintiff/petitioner is in possession of the suit property.

Mr. Banerjee, learned counsel appearing for the defendants/respondents no. 2 and 3, submits that the claim of the plaintiff to be in possession of the suit

property and to enforce specific performance is a fabricated one.

Having heard the parties and considering the materials placed at this stage, this Court is of the view that the ends of justice shall be best subserved if the Learned Trial Court is directed to expedite the hearing of the injunction application on contest.

This Court is informed that the next date fixed for hearing of the injunction application before the Learned Trial Court is on 21st December, 2021

This Court, accordingly, requests the Learned Trial Court to complete the hearing of the injunction application by the 15th of January, 2022.

In the meantime, the parties shall be free to exchange their written objection/pleadings to the injunction application.

Till the injunction application is heard out, the *status quo* as on date connected to the suit property shall be maintained by the parties.

The Learned Trial Court shall be free to decide the injunction application on its own merits.

Accordingly, **FMAT 43 of 2021 and CAN 1 of 2021** stand **disposed of**.

All parties shall act on the server copy of this order duly obtained from the official website of this Court.

(Tirthankar Ghosh,J)

(Subrata Talukdar, J.)

