

OD-3

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

*APOT/65/2021
WITH CS/205/2017*

IA NO: GA/1/2021

*KLOWIN INFRASTRUCTURE PRIVATE LIMITED
VS.
AARYAN PROJECTS PRIVATE LIMITED
.....*

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI

AND

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 9th April, 2021.

[VIA VIDEO CONFERENCE]

*Mr. Rupak Ghosh, Mr. Soumabha Ghosh, Mr. Nikunj Berlia,
Ms. Anshu Jain, Advs...for petitioner/appellant.*

*Mr. Jishnu Chowdhury, Mr. S. S. Sarkar, Mr. Mahboob Rahman, Advs...for
respondent.*

The Court : Learned counsel for the appellant/petitioner says he was misunderstood by the learned single judge. This resulted in the impugned order dated 16th March, 2021. It appears that learned counsel gave an impression to the court that there was no scope of any interim order and that only affidavits be exchanged.

We understand on submission being made before us that this was neither his instruction nor his submission. He wanted stay of the ex parte decree.

On the basis of such impression generated in court, the learned judge made the order dated 16th March, 2021, directing exchange of affidavits only.

In the above circumstances, we set aside the said order and request the learned single judge to consider the interim application, IA NO:GA/3/2021 as

a new motion. Let the said application be listed as New Motion on 19th April, 2021 before his Lordship subject to the convenience of the bench.

Both the appeal and the stay application are disposed of, after dispensing with all formalities.

(I. P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)