

I.A.NO. GA 1 OF 2021
In
APO/115/2021
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

NEXOME REAL ESTATE PRIVATE LIMITED
VS
SHIROMONI FLAT OWNERS ASSOCIATION & ORS.

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE
The Hon'ble JUSTICE KAUSIK CHANDA
Date : 29th November, 2021.

Appearance:

Mr. Jayanta Mitra, Sr. Advocate
Mr. Utpal Bose, Sr. Advocate
Mr. Reetobroto Mitra, Advocate
Ms. Labanyashree Sinha, Advocate
...for appellant

Mr. Sakya Sen, Advocate
Ms. Reshmi Ghosh, Advocate
Mr. Atish Ghosh, Advocate
...for respondent Nos. 1- 16/ writ petitioners

Mr. Joydeep Kar, Sr. Advocate
Mr. Achintya Kr. Banerjee, Advocate
Mr. Gopal Chandra Das, Advocate
.. for K.M.C.

Mr. Probal Kumar Mukherjee, Sr. Advocate
Mr. Subrata Goswami, Advocate
...for respondent Nos. 26 & 27

THE COURT: By consent of the parties, the appeal and the stay application are taken up for hearing together.

Let affidavit of service filed in Court today be kept on record.

This appeal is directed against an order dated August 23, 2021 whereby the learned single Judge stayed the construction in question till November 30, 2021 i.e., tomorrow.

We are told that the writ petition is at this very moment being heard by the learned single Judge. In any event, the interim order of stay is due to expire tomorrow.

We are of the view that parties should participate in the hearing before the learned single Judge and assist the Court to dispose of the writ petition. No useful purpose will be served by keeping this appeal pending.

We have not gone into the merits of the case at all. Disposal of this appeal shall not be construed as expression of any kind of opinion by this Court on the merits of the interim order.

We request the learned single Judge to dispose of the matter as soon as the business of the Court may permit. None of the parties should seek unnecessary adjournment before the learned single Judge.

The appeal and the connected application are, accordingly, disposed of.

(ARIJIT BANERJEE, J)

(KAUSIK CHANDA, J.)