

ORDER SHEET
APOT/184/2021
WITH
CS/30/2021
IA NO: GA/1/2021
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

BABITA KHAITAN
VS
MAKHAN LALL SARAFF AND ORS.

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI

The Hon'ble JUSTICE ANIRUDDHA ROY

Date : 17TH December, 2021.

Appearance:

Mr. Jishnu Saha, Sr. Adv.

Ms. S. Kedia, Adv.

Mr. I. Saha, Adv.

...For the appellant

Mr. Suman Dutt, Adv.

Mr. R. Dutta, Adv.

Mr. A. P. Agarwalla, Adv.

...For the respondent Nos. 1 to 7

Mr. S. Banerjee, Adv.

Mr. D. Dinda, Adv.

...For the respondent Nos. 45, 54, 55 & 56

Mr. Abhrajit Mitra, Sr. Adv.

Ms. N. Banerjee, Adv.

Mr. D. Dey, Adv.

Ms. S. Mitra, Adv.

...For the respondent Nos. 57, 58 & 59

The Court : We admit the appeal and propose to dispose of it today, dispensing with all formalities.

The learned judge in passing the impugned order seems to have fallen into an error in not appreciating that the interim order stood extended by orders passed by this special bench of this Court from time to time. During the continuance of that interim order till 8th October, 2021 the appellant, on 7th October, 2021 had made an application for its extension presuming that the interim order had already expired on 31st

July, 2021. The learned judge in the impugned order did not consider the application for extension.

The net result is that the appellant is now without any interim order.

Considering all circumstances, we extend the interim order with effect from 9th October, 2021 till 15th February, 2022 with a request to the learned single judge to hear out the applications mentioned in the interim order by that day.

Affidavits in each of the applications along with GA No.1 of 2021 may be completed, if not already filed according to the following directions :

Affidavit-in-opposition be filed by 7th January, 2022.

Affidavit-in-reply be filed 19th January, 2022.

We make it absolutely clear that further extension of the interim order may be considered by the learned single judge strictly on merits.

The appeal (APOT No.184 of 2021) and the connected stay application (GA No.1 of 2021) are disposed of accordingly.

(I. P. Mukerji, J.)

(Aniruddha Roy, J.)