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Ct-08

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FMA 8 of 2019
with
I.A No. CAN 1 of 2018 (Old No. 4671 of 2018)
Smt. Indira Dey
Vs.
Shibu Kumar Mullick & Ors.

The appellant is not represented, nor any accommodation is prayed for on behalf of the appellant even in the second call.

The appeal is arising out of an order dated 13th June, 2018 in connection with an application for temporary injunction under Order 39 Rule 1 & 2 read with Section 151 of the C.P.C.

The ex parte ad-interim order of injunction was refused as the learned trial judge was of the view that the plaintiff had failed to show any prima facie case in his favour. The impugned order is dated 13th June, 2018.

In the event, the said injunction application is still pending, we direct the learned Civil Judge, 12th Bench, City Civil Court, to dispose of the injunction application on the basis of the available records, without granting any unnecessary adjournment to either of the parties, unless it is unavoidable.

It is needless to mention that the learned trial judge shall not be influenced by its earlier observations or by this order.

Accordingly, the appeal and the application being CAN 1 of 2018 are disposed of.

The Registrar, Administration (L & OM) is directed to communicate this order to the learned Civil Judge, 12th Bench, City Civil Court, for information and record.

(Ajoy Kumar Mukherjee,J.)

(Soumen Sen, J.)

