

Item 41. 05-07-2022

FMA 1253 of 2015
CAN 1 of 2014 (old CAN 87 of 2014)

^{sg} Ct. 8

Shree Shree Iswar Satyanarayanjee & Ors.
Versus
Amstrar Investments Pvt. Ltd. & Ors.

(Through Video Conference)

Ms. Saheli Sen, Adv.
Ms. Sormi Dutta, Adv.

...for the appellants

The appeal is directed against the order of refusal of ad interim injunction. The learned Counsel for the appellants submits that the injunction application is still pending. The defendants instead of answering to the show cause, filed an application for rejection of plaint under Order VII rule 11 of the Code of Civil Procedure.

In view of the aforesaid submission we dispose of the appeal by directing the learned Civil Judge (Senior Division), 2nd Court, Howrah to decide the application for dismissal of the plaint along with the application under Order 39 rule 1 & 2 of the Code of Civil Procedure preferably within a period of four weeks from the date of communication of this order.

All the pleadings with regard to the injunction petition of rejection of plaint shall be completed within a period of four weeks from date. In the event the learned Trial Judge dismissed the application for rejection of the plaint, the application for injunction shall be taken up immediately and all endeavour should be made to dispose of the said injunction application as expeditiously as possible without granting any unnecessary

adjournment to either of the parties in view of the fact that the injunction application is pending since November, 2013.

The appellants are directed to communicate this order to the respondents and the learned Trial Court for information and recording within one week from date by speed post with acknowledgment due and shall file an affidavit of service in the pending proceeding before the learned Trial Judge. In addition to the aforesaid, the department is directed to communicate this order to the learned Civil Judge (Senior Division), 2nd Court, Howrah for information and doing the needful.

The learned Trial Judge shall decide the matter without being uninfluenced by our observations or earlier observations.

The appeal and the connected application are dismissed. However, there shall be no order as to costs.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)