

12.05.2022
SL No.7
Court No.8
(gc)

**FMAT 58 of 2022
With
CAN 1 of 2022**

**Kuddus Ali
Vs.
Allauddin Mondal & Ors.**

Mr. Satyam Mukherjee,
Ms. Sayani Ahmed,
...for the Appellant.

In spite of service of notice along with a copy of the order dated 28th March, 2022 upon the respondents and the learned Counsel representing the respondents, the respondents are not represented nor any accommodation is prayed for on their behalf.

Under such circumstances, we dispose of the appeal and the application by confirming the interim order passed on 28th March, 2022. The said interim order shall continue for a period of twelve weeks from date or till the application for injunction is decided by the learned Civil Judge (Senior Division), 1st Court, Barasat. In the event the injunction application could not be disposed of within the aforesaid time, the plaintiff/appellant shall be at liberty to pray for extension of the said interim order and the learned Trial Court shall consider the said prayer in accordance with law.

The learned Trial Judge is requested not to grant any adjournment to either of the parties unless it is avoidable

and make all endeavour to dispose of the injunction application on merits being uninfluenced by our order dated 28th March, 2022.

Accordingly, the appeal being FMAT 58 of 2022 and the application being CAN 1 of 2022 stand disposed.

A copy of the plaint, injunction application along with a copy of the order dated 28th March, 2022 and the order passed today shall be served upon the respondents and the learned Counsel representing the respondents within 10 days from date, failing which, interim order shall stand automatically vacated without any further reference to this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Sugato Majumdar, J.)

(Soumen Sen, J.)