

20 30.3.2022
Sc Ct. no.8

FMAT 61 OF 2022
with
I.A. No. CAN 1 OF 2022

Kotak Mahindra Bank Limited

Vs.

Abani Kumar Ghosh

Mr. Shibnath Bhattacharya

...For the Appellant

The appellant is aggrieved by the order dated 17th February, 2021 by which the ad interim order of injunction was allowed.

In view of the submissions made by the appellant it appears that the trial court has mechanically extended the interim order without considering the application filed by the appellant under Order 7 Rule 11 of the Code of Civil Procedure. We request the learned trial Judge to dispose of the application under Order 7 Rule 11 first before considering the injunction application on merits. The learned trial Judge shall not extend the interim order mechanically and it can only be extended after recording reasons in compliance with Order 39 Rule 3A of the Code of Civil Procedure.

A copy of the order shall be sent to the Judge, Vth Bench, City Civil Court at Calcutta at the time of considering T. S. 897 of 2020 through Registrar (L & O.M.).

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

Urgent Photostat certified copy of this order, if
applied for, be furnished expeditiously.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)