

25.02.2022
SL No.8
Court No.8
(gc)

**FMA 1393 of 2018
With
CAN 1 of 2018
(Old No: CAN 2440 of 2018)**

**Sultan Ahmed Khan
Vs.
Calcutta Port Shramik Union & Ors.**

(Via Video Conference)

Mr. Lutful Haque,
...for the Appellant.

The appeal is directed against an order of refusal to pass an ad-interim order of injunction on 27th February, 2018 in connection with an application filed by the plaintiff/appellant under Order 39 Rule 1 & 2 read with Section 151 of the Code of Civil Procedure. This order has practically spent its force as four years have already passed. The discretion exercised by the learned Trial Court in not exercising its discretion at the ad-interim stage does not appear to be unreasonable or demonstrably erroneous.

However, in the event the application for injunction is still pending, we request the learned Civil Judge (Senior Division), 5th Court, Alipore to dispose of the injunction application as expeditiously as possible preferably within a period of four months from the date of communication of this order without granting any unnecessary adjournment to either of the parties unless it is avoidable.

With the aforesaid observation, the appeal being FMA 1393 of 2018 and application being CAN 1 of 2018 (Old No: CAN 2440 of 2018) stand disposed of.

However, there shall be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)