

26.05.2022
Item No. 07
Ct. No. 08
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F.M.A.T. 212 of 2022
With
I.A. No. CAN 1 of 2022

Charu Diesels LLP
Vs.
M/s. M.R. Singhwi & Co. & Ors.

Mr. Kuldip Mallik
Mr. Diptomoy Talukder.....for the appellant

The plaintiff/appellant has filed a suit for evicting the defendants from the suit premises. Alleging that the defendants may create third-party interest in respect of the suit premises, the plaintiff moved an injunction application and sought ad-interim injunction against the defendants restraining them from creating third-party interest. The learned Judge observed that though the plaintiff has made out a *prima facie* case, notice should be served on the defendants to show cause as to why the order of injunction sought for by the plaintiff should not be granted. Being aggrieved, the plaintiff has come up in appeal.

We find from the order impugned that the matter has been posted by the learned Judge on June 09, 2022. We request the learned Judge to consider the plaintiff's injunction application on that date itself

without granting adjournment excepting for very compelling reasons. Till that date, i.e. June 09, 2022, the parties to the suit i.e. the plaintiff as well as the defendants are restrained from creating any third-party interest in respect of the suit property.

The learned single Judge shall consider the plaintiff's application without being influenced by the present order in any manner.

The appeal and the connected application are accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all necessary legal formalities.

(Ananya Bandyopadhyay, J.) (Arijit Banerjee, J.)