

25.07.2022
KC(8)

F.M.A.T. 299 of 2022
Abdul Kalam @ Abul Kalam and Ors.
-versus-
Magnet Construction Private Limited and Ors.
With
CAN 1 of 2022

Mr. Jishnu Chowdhury,
Mr. Partha Chakraborty,
Mr. Debayan Ghosh,
Mr. Jhanis F.C.,
Mr. Ritoban Sarkar.....For the appellants.

Mr. Haradhan Banerjee,
Md. Nurul Haque,
Sk. Afrojul Haque.....For the respondents.

We are in a position to dispose of the appeal and the stay application today, dispensing with all formalities.

The principal ground of the appellants is that an order of injunction is being continued by the learned City Civil Court not having any territorial jurisdiction over the subject matter.

Mr. Chowdhury, learned advocate appearing for the appellants refers to our judgment and order dated 5th June, 2022 directing the learned court below to decide this point at the 'Motion' stage before continuing the interim order. He submits that adjournments have been granted by the learned court below extending the interim order before deciding the point.

The interim application is posted before the learned trial court today (25th July, 2022) at 3.00 P.M.

We request the learned judge to decide the question of territorial jurisdiction prima facie with reasons before considering further continuance of the interim order. The interim application is to be disposed of as early as possible preferably within 5 weeks from today without granting any unnecessary adjournment.

The appeal (F.M.A.T. 299 of 2022) and the connected application (CAN 1 of 2022) are disposed of.

(I.P. MUKERJI, J.)

(SUBHENDU SAMANTA, J.)