

11.05.2022

**ASR
10.**

**FMAT 770 of 2021
With
CAN 1 of 2021**

**Karabi Bera
Versus
Aparajita Dutta**

Mr. Asok Kumar Routh

.....for the appellant

Mr. Akash Dutta

.....for the respondent

The appeal was admitted on 6th May, 2022.

Reading the impugned judgement and order dated 20th November, 2021, we find that it was returnable 30 days after issuance and service of notice on the respondent before that Court.

Mr. Routh, learned counsel appearing for the appellant submits that the matter has not been taken up by that court till date because of pendency of this appeal.

We are of the view that the points which have been urged before us can well be urged before the learned court below in the presence of the respondent.

With the above observations, we remit the interim application to the learned court below with a request to place it in the list as early as possible, to consider the case of the parties at the motion stage and thereafter to

dispose of the application upon exchange of affidavits as early as possible but not later than four months from the date of communication of this order, by a reasoned order. Along with the interim application, the learned court below will hear all applications filed till date in connection with the above suit.

We also direct the parties to maintain peace in the premises.

In case of breach of this order any party may complain to the officer-in-charge of the local police station who shall deal the situation in terms of this order.

The appeal (FMAT 770 of 2021) and the connected application (CAN 1 of 2021) are disposed of.

(I. P. Mukerji,J.)

(Aniruddha Roy,J)