

18.04.2022
SL No.6
Court No.8
(gc)

FMA 251 of 2022

Sri Bidhan Chandra Roy
Vs.
Smt. Mungli Sardar & Ors.

Ms. Prajaaini Das,
...for the Appellant.

This matter was adjourned twice since 28th March, 2022.

This appeal is arising out of an order dated 20th November, 2021 by which the prayer for ad-interim injunction was refused. We have gone through the order under challenge. The discretion exercised by the Trial Court in refusing to pass ad-interim order of injunction on 20th November, 2021, in our view, does not appear to be perverse. The learned Trial Judge has given adequate reasons for refusing to pass ad-interim order of injunction without hearing the persons who are likely to be affected and in the event the ad-interim order is passed in favour of the appellant. Moreover, it appears that the agreement for sale was entered into on 16th October, 2010 at a consideration amount of Rs.91,20,000/- but till the date of filing of the suit, the said amount was neither tendered nor paid. Although, it is stated in the petition that some amount has been paid since 2010, but the same is not disclosed before us.

However, we request the learned Trial Judge to dispose of the injunction application as expeditiously as possible without granting any unnecessary adjournment to either of the parties unless it is avoidable.

With the aforesaid observation, the appeal being FMA 251 of 2022 stands disposed of.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)