

15.09.2022
Item No.5
Ct. No.7
CHC
(disposed of)

C.O.2833 of 2022

**Indiabulls Commercial Credit Limited & anr.
Vs.
Ravindra Biyani & ors.**

Mr. Shiva Prasad Mukherjee,
Mr. Debjit Mukherjee,
Mr. Devanand Mina,
Mr. Prashant Kumar Singh
...for the petitioners

Mr. Abhrajit Mitra,
Mr. Jishnu Chowdhury,
Mr. J. Chatterjee,
Mr. Abhishek Roy
...for the opposite parties

Mr. Mukherjee, being assisted by Mr. Debjit Mukherjee, learned advocate appearing for the petitioners submits that even after the order of transfer passed by the learned District Judge, South 24 Parganas, at Alipore, on 5th September, 2022, the transferee court has not yet taken up the application for stay filed in connection with Misc. Appeal No.286 of 2022.

Admittedly, the Misc. Appeal has been preferred against the order of ad interim injunction being granted. An appeal was then carried challenging the order of ad interim injunction vide the appeal mentioned hereinabove.

Per contra, Mr. Jishnu Chowdhury, learned advocate appearing for the opposite parties challenging the maintainability of the case submits that the order

of transfer, in the absence of any application proposing stay would not be maintainable.

Upon perusal of the impugned order, it appears that in the transfer order dated 5th September, 2022, the Misc. Appeal has been transferred to learned Additional District Judge, 5th Court, Alipore, South 24 Parganas fixing the matter on 23rd September, 2022 for appearance.

When the matter is already scheduled on 23rd September, 2022, this Court finds reasons to dispose of this matter with the direction, as follows:-

The revisional application be disposed of giving liberty to petitioners to file any application for preponement, with a prayer for stay upon notice to the opposite parties, if not already filed in the meantime, and if any such application is filed, that may be addressed by the court below, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, preferably before the scheduled date (23.09.2022).

Parties are directed to make communication of this order to the court below.

With this observation/direction, the revisional application stands disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)