

21.12.2022
SL No.136
Court No.8
(gc)

FMAT 886 of 2014
CAN 1 of 2014 (Old No: CAN 7701 of 2014)

Fatima Aslam
Vs.
Abu Tahir Md. Moosa & Ors.

Mr. Rahul Karmakar,
Ms. Gargi Goswami,
Mr. Sourav Guchhait,
...for the Appellant.

The learned Counsel for the appellant submits that the injunction application is pending. The order impugned is dated 18th July, 2014. It appears that the prayer for ad-interim order of injunction was refused on that date.

On the basis of the submission that the injunction application is still pending, we request the learned Judge, 3rd Bench, City Civil Court at Calutta in T.S. No.34760 of 2014 to dispose of the injunction application preferably within a period of 90 days from the date of communication of this order by the appellant. The Trial Court while disposing of the matter shall consider that the lease might have expired in the year 2017. The rights and liabilities of the parties are required to be decided after taking into consideration the said fact and also the enforceability of the power of attorney, if any, after the expiry of the lease.

The learned Trial Judge shall dispose of the injunction application uninfluenced by the order impugned.

The Trial Court shall also make an endeavour to dispose of the suit as early as possible.

We have been given to understand that no proceeding has been initiated by the lessor for eviction of the plaintiff by the lessor upon expiry of the lease period.

The appeal and the application, accordingly, stands disposed of with the aforesaid observation.

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

(Uday Kumar, J.)

(Soumen Sen, J.)