

OD-1

APOT/218/2022
IA NO. GA/1/2022
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

SOMABRATA MANDAL
-VS-
FOX AND MANDAL AND ORS.

BEFORE:

The Hon'ble JUSTICE CHITTA RANJAN DASH
AND

The Hon'ble JUSTICE PARTHA SARATHI SEN

Date : 16th December, 2022.

Appearance:

Mr. Debasish Roy, Adv.
Mr. Ajay Chaubey, Adv.
Mr. Partha Ghosh, Adv.
Mr. Savinder Singh, Adv.
Ms. Keerti Gupta, Adv.
Mr. Soumya Paul, Adv.
Mr. Vinayak Chaubey, Adv.
...for the appellant.

Mr. Jayanta Mitra, Sr. Adv.
Mr. A. Banerjee, Adv.
Mr. Soumavo Ghose, Adv.
...for the respondent no.4.

Mr. A. Mitra, Sr. Adv.
Mr. J. Chowdhury, Adv.
Mr. B. Kumar, Adv.
...for the respondent no.5.

Ms. Mamta Tiwari, Adv.
Mr. Biswarup Mukherjee, Adv.
Mr. Suryaneel Das, Adv.
Ms. Nabanita Mallick, Adv.
Mr. Indranil Munshi, Adv.
...for the proforma respondents.

The Court: Heard learned Counsel for the parties.

This is an appeal preferred against the order dated 15th November, 2022
by the Hon'ble Single Bench on a petition for ad interim injunction.

As the Hon'ble Single Judge has allowed the prayer of ad interim injunction, the appellant had been obliged to prefer this appeal.

In course of hearing, it is fairly submitted at the Bar that the hearing for injunction is on and all the parties are participating in such hearing. It is certain in law that if an ad interim injunction is passed, it can be varied, recalled or modified after hearing the parties at length and the Judge passing the ad interim order is never influenced by such order which he has passed and he does not fix his mind to the ad interim order already passed. This being the settled position of law, the apprehension of learned Counsel for the appellant and the proforma respondent no.6 to the effect that the ad interim order may be made final in spite of exhaustive hearing is a baseless apprehension.

We have enough faith and trust in the judicial process and we request the Hon'ble Single Judge to conclude the final hearing proceeding so far as the injunction application is concerned as expeditiously as possible preferably by 20th January, 2023 after giving an adequate opportunity of hearing to all the parties concerned.

It is needless to mention here that the parties who have not filed affidavit yet, shall be given opportunity of filing affidavit and such affidavit filed by the parties shall be exchanged among them and the hearing of the matter shall be taken up on day-to-day basis till passing of the final order. The target fixed by us is, however, tentative and the Hon'ble Single Judge taking into consideration the pendency of cases in His Lordship's list shall accommodate the Counsel for the parties to conclude the hearing by the date fixed.

With the aforesaid observations, the appeal being APOT/218/2022 and the connected application being IA No.GA/1/2022 stand disposed of.

(CHITTA RANJAN DASH, J.)

(PARTHA SARATHI SEN, J.)

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