

06.09.2023

Court : 04
Item : 11
Matter : FMA
Status : DO
Bench ID : 266048
Transcriber : NANDY

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

**FMA 19 of 2021
with
CAN 1 (1706) of 2020**

**Vedant Fashions Private Limited
Vs.
Kishorkumar Jain & Anr.**

**Mr. Meghajit Mukherjee, Advocate
Ms. Sayani De, Advocate**

.....for the Appellant

**Ms. Baishali Ghosal, Advocate
Mr. Niraj Kumar Singh, Advocate**

.....for the Respondents

1. The instant appeal has been filed assailing an order no. 2 dated 13.01.2022 by which an application for an *ex parte ad interim* order of injunction was refused by the Trial Court.
2. It is candidly submitted by the learned Advocate for the appellant, despite the refusal to pass an *ex parte ad interim* order of injunction, the respondents have not filed any opposition to the said application which is unnecessarily pending for such a long time.
3. Without going into the legality and/or validity of the impugned order, we feel that justice would be sub-served if the application for temporary injunction filed by the plaintiff/appellant is disposed of expeditiously. We have given to understand that the next date is fixed on 11.10.2023.
4. Since the respondents have entered appearance, we direct them to file affidavit-in-opposition to an application for temporary injunction which is pending before the Trial Court, within two weeks

from date. Reply if any, be filed within a week thereafter.

5. The Trial Court is requested to take the said application for temporary injunction on the aforesaid date so fixed and endeavour shall be shown to dispose of the same within one week thereafter.
6. It is, however, made clear that since we do not have the occasion to go into the merit of the case, the Trial Court shall not presume that refusal to interfere over the said order shall have any persuasive effect at the time of deciding the application for temporary injunction on merit.
7. The appeal being **FMA 19 of 2021** and the connected application being **CAN 1 of 2020** are accordingly **disposed of**.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)