

6. 14.3.2023

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

**FMAT 70 of 2023
with
CAN 1 of 2023**

Pradip Kumar Saha
Vs.
Chandra Prakash Verma And Ors.

**Mr. S. Banerjee
Mr. Shashwat Nayak
Mr. Sumit Biswas** **For the Appellants.**

We admit the appeal.

We have examined the impugned judgment and order dated 16th February, 2023. It was made in an interim application by the appellant/plaintiff moved ex parte.

The learned judge refused to pass any interim order and made the application returnable on 31st May, 2023.

On examination of the impugned judgment and order we notice complete absence of reasons as to why the interim order was being refused. Furthermore, why the balance of convenience was not in favour of the appellant/plaintiff was not mentioned.

There is no point in admitting this appeal and noticing the respondent.

We remit the entire matter to the learned court below for its consideration at the ex parte ad interim stage before 31st March, 2023. The learned Court is requested to pass a reasoned order as to why it was granting or refusing to grant an ex parte ad interim order. Thereafter, the application may be further considered upon notice to the respondent.

The appeal and connected application are disposed of.

(I.P. Mukerji, J.)

S.G.

(Biswaroop Chowdhury, J.)