

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

**F.M.A. 115 of 2023
With
CAN 1 of 2023**

Saokat Ali Middya @ Swakat

Vs.

Akash Deep Intertrade Pvt. Ltd.

**Mr. Ashok Banerjee, Sr. Advocate
Mr. A. Mondal
M. T. J. Mandal
Ms. S. Dey For the Appellant/Petitioner.**

**Mr. Satyam Mukherjee
Ms. Sayani Ahmed
Mr. S. Mukherjee
Ms. D. Mukherjee For the Respondent.**

Re: CAN 1 of 2023

Dispensing with all formalities we have admitted
and heard out the appeal.

The impugned judgement and order dated 14th
February, 2023 was ad interim and ex parte.

We find from the records that it was returnable
before the learned court below on 22nd March, 2023.

We are of the view that the interest of justice
would be sub served if the application is heard out by the
learned judge in the court below in the presence of the
appellant and by a reasoned order.

S.D.

We direct the appellant to make an application
before the learned court below to refix the returnable date
of the application at the earliest and to hear out it from
that stage within 8 weeks.

We have not interfered with the impugned judgement and order but upon hearing the parties, the learned judge shall be free to affirm, vacate or vary the same.

All points are kept open before the learned judge.

The appeal and the application (CAN 1 of 2023) are disposed of.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

