

05.10.2023
KC(20)

F.M.A. 352 of 2023
Star Constructions represented by
Goutam Roy Chowdhury and Ors.
-versus-
Anupam Basu
With
CAN 1 of 2023

Mr. Arnab Roy,
Mr. Satyam Mukherjee,
Ms. Sayani Ahmed.....For the appellants.

Mr. Debraj Bhattacharya,
Mr. Swapan Kumar Ghosh.....For the respondent.

We admit this appeal.

It is from an ad-interim ex parte order dated 8th February, 2023 of the learned court below refusing an order of injunction.

It is recorded in an order of the learned court below on 24th March, 2023 that the petitioner has not taken any steps in the matter.

It appears that on or about 10th April, 2023 this appeal was filed. Subsequently on 20th April, 2023, 30th June, 2023 and 16th September, 2023 extension of time was taken before the learned court below.

At this point of time there is no scope of consideration by an appellate court whether to grant an interim order or not.

Dispensing with all formalities we dispose of this appeal (F.M.A. 352 of 2023) and the connected

application (CAN 1 of 2023) by directing that the learned court below shall be approached to fix a returnable date of the interim application before 30th November, 2023 to consider the question of grant of an interim order afresh in the presence of the respondent and by a reasoned order at the interim stage and thereafter to hear out the interim application upon filing of affidavits within a further period of three months from 30th November, 2023.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)