

11.07.2023
KC(2)

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(COMMERCIAL DIVISION)

F.M.A.T. 301 of 2023
Fives Combustion System Private
Limited and Anr.

-versus-
Sushanta Mondal and Anr.
With
CAN 1 of 2023

Mr. Debnath Ghosh,
Mr. V.V.V. Sastry,
Mr. Bishwaroop Mukherjee,
Mr. Rahul Poddar,
Mr. Debjyoti Saha.....For the appellants.

Mr. Kaushik Saha,
Mr. Souvik Ghosh.....For the respondents.

Considering the fairness in the submissions of learned counsel made before us today, it has become possible to dispose of this appeal today itself.

We have learnt that the injunction application and the application to vacate it are to appear tomorrow before the learned trial judge. It is the extended returnable date of the injunction application.

In that injunction application an ex parte ad-interim order had been passed by the learned judge on 16th June, 2023 to the following effect:

“An ad-interim order of injunction is hereby granted restraining the respondents from breaching the terms of the contract as contained in appointment letter dt. 17.03.2015, Code of Conduct and User Charter till 01.07.2023.”

On 1st July, 2023 the learned judge refused to extend that interim order on various technical grounds mentioned therein.

On appeal on 6th July, 2023 we reinstated that order till 21st July, 2023 with a direction that the appeal and the connected application should appear today to hear the respondents.

Since both the injunction application and the application to vacate it are appearing before the learned court below tomorrow we think it just and proper that it should hear it out and that our interim order dated 6th July, 2023 read with the initial ex parte ad-interim order dated 16th June, 2023 of the learned court below should continue. We order accordingly.

We make it absolutely clear that the continuation of this order shall not prevent the learned judge to consider the injunction application and the application to vacate the ad-interim order on merits and to pass whatever order the learned judge thinks fit and proper including any interim order. All points are kept open before the learned court below.

The appeal (F.M.A.T. 301 of 2023) and the connected application (CAN 1 of 2023) are disposed of.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)

