

17.07.2023
Ct. No. 13
s/l..2
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F.M.A.T. 304 of 2023
With
CAN 1 of 2023
Foundry Cluster Development Association
Vs.
AARKEM INFRA LLP & Ors.

Mr. Jishnu Choudhury,
Mr. Varun Kothari,
Mr. B.N. Joshi,
Mr. A. Agarwalla,
Ms. P. Garain

....for the appellant

Mr. Debashis Roy,
Mr. Krishnendu Sarkar,
Ms. Meghla Das

..for the respondents

1. The appeal is directed against an order dated June 27, 2023, whereby the written objection filed by the appellant was not accepted as it was filed, beyond 4 days of the time stipulated by this Court in its order dated 3rd February, 2023. The interim order that was passed earlier by the Court below was extended.
2. Earlier by an order dated February 3, 2023, in FMAT 505 of 2022, this Court had found that the extension of interim order by the Court below was without reasons. The extension granted by the Court below was once again without reason.
3. Be that as it may, since there is delay on the part of the appellant in filing the written objection beyond the time stipulated by this Court in the order dated February 3, 2023 (supra), this Court

directs the 13th Bench of the City Civil Court at Calcutta, to accept the written objection of the appellant upon payment of costs assessed at Rs. 5,100/- payable to the plaintiffs/respondents.

4. It is directed that the application under Order 39 Rules 1 and 2 of the C.P.C. including its maintainability, and the authority of the Civil Court to entertain matters of this nature, shall be decided by the 13th Bench of the City Civil Court at Calcutta, within a period of 2 weeks from July 28, 2023 i.e. the date already fixed by the Court below.
5. The plaintiffs/respondents may file a reply to the written objection by July 24, 2023 and a copy thereof shall be served on the learned counsel for the defendant/appellant.
6. Nothing further remains to be adjudicated in this appeal.
7. FMAT 304 of 2023 shall stand disposed of.
8. In view of the above, CAN 1 of 2023 shall also stand disposed of.
9. There shall be no order as to costs.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)