

16.
18-12-2023
(Ct. no.06)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
APPELLATE SIDE**

**FMA 810 of 2023
+
IA NO:CAN/1/2023
+
CAN/2/2023**

**Parvaiz Ahmed
Vs.
Md. Ali Saigal & Ors.**

Mr. Tarique Quasimuddin,
Ms. Meena Shabnam

... For the Appellant.

Affidavit-of-Service filed in Court today be kept with the records. It appears from the affidavit that the respondents have been served. However, nobody appears for the respondents.

We had granted an interim order of injunction on November 28, 2023, being satisfied that the appellant has made out a prima facie case and the balance of convenience is in favour of passing an interim order.

The appellant before us is the plaintiff in the suit pending in the learned City Civil Court. The appellant's prayer for interim injunction having been declined by the learned trial Court, the present appeal was filed. In the stay application, inadvertently, only stay of operation of the impugned order was asked for and there was no prayer for injunction. Accordingly, CAN 2 of 2023 has been filed pursuant to liberty granted by us earlier, for making appropriate prayer of injunction.

Since the respondents have chosen not to appear to contest the present proceedings in spite of having received due notice of this appeal and the application and since we have already recorded our prima facie satisfaction that the appellant/plaintiff is entitled to an interim order of injunction, we confirm the order of injunction that was passed on November 28, 2023. The interim order shall continue till the disposal of the suit.

The appeal and the connected applications are, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

(Supratim Bhattacharya, J.) (Arijit Banerjee, J.)