

10.10.2023

ASR 6.

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

FMAT 444 of 2023

With

CAN 1 of 2023

Kanchana Mukhopadhyay

Vs.

Emporium Training & Consultancy Pvt.Ltd.

Mr. Shuvasish Sengupta

Mr. Balarko Senzdd

Mr. Suvradal Choudhury

.....for the appellant

Mr. Pratip Mukherjee

Mr. Arpit Agarwal

Mr. Vikash Chowdhury

.....for the respondent

We admit the appeal.

We find from the submission made that this appeal is from refusal to pass an interim order in an application moved ex parte before the court below.

The returnable date of the application is 17th November, 2023.

We are of the view that the grounds which are agitated in this appeal can very well be canvassed on the returnable date of the said application before the court below which would deal with the same upon hearing the parties and by a reasoned order. The court would be at liberty to re-consider passing of any interim order.

Considering the prima facie case that the lease in question was under the Transfer of Property Act, determined in 2022, the respondent enjoying possession thereof without payment of any occupation charges, we direct that for the time being the respondent shall not transfer, assign encumber or part with possession of the premises-in-question until further orders of the learned court below.

All points are kept open before the learned court below.

The learned court below will dispose of the interim application within a period of three months from 17th November, 2023.

The appeal and the connected application are disposed of.

(I. P. Mukerji,J.)

(Biswaroop Chowdhury,J)