

MAT 1885 of 2022
With
CAN 1 of 2022

Sandip Agarwal
Vs.
Ashish Garodia & Ors.

Mr. Ayan Bhattacharjee
Mr. Ajoy Sankar Sanyal
Ms. S. Sanyal
Ms. R. Das

... ... for the appellant

Mr. Kishore Datta, Sr. Adv.
Mr. Sandipan Ganguly, Sr. Adv.
Mr. Karan Dudhewala

... ... for the respondent nos.1 to 3

Mr. Amal Kr. Sen
Ms. Sangeeta Ray
Mr. Rakesh Singhi

.... ... for the State

Ms. Manika Kohli

... ... for the respondent nos.6 to 13

This intra-court appeal is at the instance of the respondent no.11 in the writ petition challenging the interlocutory order dated 15th November, 2022 passed by the learned Single Judge in WPA 23280 of 2022.

The limited submission of learned counsel for the appellant is that the part of the order of the learned Single Judge whereby a direction has been issued to the appellant to furnish a copy of the complaint to the writ petitioners, needs to be expunged because there is no such prayer in the writ petition and the complaint is not a public document and the writ petitioners will have locus only when the FIR is registered.

On perusal of the impugned order, we find that the writ petition is pending and the arguments which the learned counsel for the appellant is advancing before this

Court are not contained in the impugned order nor in the order any reason is assigned for issuing the impugned direction.

In the aforesaid circumstances, we are of the opinion that the proper remedy available to the appellant is to approach the learned Single Judge with a prayer for modification of the impugned order. Hence, appellant is at liberty to avail this remedy.

If such a prayer for modification is made before the learned Single Judge it will be open to learned counsel for all the parties to raise legally permissible objection in this regard.

Hence, with the aforesaid liberty the appeal is disposed of.

Connected applications are also disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)