

10-11
09.08.2023
D.Hira
Court No. 12

**In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**MAT 696 of 2020
With
CAN 1 of 2020
With
CAN 2 of 2020**

**Rishinox Buildwell LLP
Versus
Mostafa Molla & Ors.**

With

**MAT 697 of 2020
With
CAN 1 of 2020**

**Rishinox Buildwell LLP
Versus
Kamal Hossain Molla & Ors.**

**Mr. Souvik Majumder,
Ms. Ananya Das.
... for the appellant**

No representation for the respondents.

Both the appeals being MAT 696 of 2020 and MAT 697 of 2020 are on the same issues. The respondent no. 1 in both the appeals filed Title Suit No. 37 of 2018 and T.S. No. 38 of 2018 before the competent Civil Court and the Civil Court granted an ad interim order of injunction restraining the appellant from putting up any construction in the suit property. It is the case of first respondent that in spite of such injunction,

the police authorities were assisting the appellant to proceed with construction and take possession from the respondent no. 1.

On these allegations, the respondent no. 1 in both the appeals filed two writ petitions being W.P.A. 7364 of 2020 and W.P.A. 7363 of 2020.

Learned Judge considering the subsistence of the ad interim order of injunction by the competent Civil Court, directed the police to ensure that no other construction occurs at the locale.

Against the said two orders of the learned Judge, the appellant has filed the present appeals.

When the appeal was taken up for hearing on October 20, 2020, a Coordinate Bench of this Court clarified the impugned order of the learned Single Judge that no further construction occurs in the suit properties as mentioned in paragraph 4 of the affidavits and police will allow the lawful construction by the appellant in other area.

Today when the matter is taken up for hearing, learned counsel appearing for the appellant submitted that ad interim order of injunction granted in T.S. no. 37 of 2018 is vacated and the said injunction application is dismissed.

In Title Suit No. 38 of 2018, the application for injunction was dismissed and the ad interim

injunction granted in the application was also vacated.

In view of the dismissal of injunction application, nothing survives in these appeals and the appeals may be closed.

In view of the said submission, the appeals are closed. No further order is necessary.

(V.M. Velumani, J.)

(Rai Chattopadhyay, J.)