

08-06-2023
Court No.1
Sh/42.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

**FMAT 1 of 2023
With
CAN 1 of 2023**

Supriya Mukherjee & Ors.

-Vs-

Siliguri Cinema & Trading Co. Ltd.& Ors.

Mr. Chayan Gupta,
Mr. Nigam Ashish Chakraborty,
Mr. Arijit Ghosh.

..For the Appellant.

Mr. Dhruva Ghosh,
Mr. Debajit Kundu,
Mr. Somnath Ghoshal.

.For the respondent nos.1 to 6.

We have heard the learned counsel appearing for the parties.

It appears that the co-ordinate bench on January 11, 2023 restrained the defendants and more particularly the defendant no.1 to stop all activities on the suit property until the matter is considered by the learned court. It was made clear that the restrain order shall operate against all the defendants. The ad-interim order is still in subsistence. In the fitness of things, we feel that injunction is required to be disposed of on merits.

The appellants who are contesting respondents in the suit shall file their affidavit-in-opposition to the injunction application within two weeks from date. Reply thereto, if any, by the contesting respondents in the appeal be filed within two weeks thereafter.

We request the learned trial judge to dispose of the injunction application on merits without being influenced by any observation made in the order dated

January, 11, 2023 or by its earlier order refusing to grant any order of injunction within eight weeks thereafter without granting any adjournments to either of the parties unless it is unavoidable.

Parties are directed to bring on record this order to the notice of the learned trial court.

Affidavits filed by the parties are taken on record.

The interim order passed on 11th January, 2023 shall continue till the disposal of the injunction application.

The application filed under Section 94 however, stands disposed of by reasons of the order dated January 11, 2023 read with this order.

The appeal and the connected application are disposed of without however, any order as to costs.

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

(Raja Basu Chowdhury,J.) (Soumen Sen, J.)