

05.08.2024

Sl. No.25

ss

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

F.M.A.T. 18 of 2024

With

IA No. CAN 3 of 2024

IA No. CAN 4 of 2024

Mrs. Sutapa Ganguly

Vs

M/s. CAC, a partnership firm & ors.

Mr. Tarique Quasimuddin

Mr. Abbas Ibrahim Khan

Ms. Meena Shabnam

... For the appellant

Mr. Aniruddha Mitra

Mr. T. K. Sen

Mr. Aditya Chakraborty

Mr. Anirban Ghosh

... for the respondents

1. The deficit court fee Rs.20/- has been filed on 20.02.2024. The same be accepted and tagged with the present record.
2. Heard learned Counsel for the appellant as well as learned Counsel for the respondents. The parties have made submissions with reference to the order dated 21.12.2023 whereby the prayer for *ad interim* injunction has not been acceded to and a direction has been issued for consideration of the matter after filing of the objection by the respondents.
3. The Court is informed that the respondents have also filed a suit seeking eviction of the present appellant from the premises in question wherein after due consideration of the issue an *ad interim* injunction

has been ordered by the High Court exercising jurisdiction on the original side on 24.06.2024 in C.S. (Com) No.701 of 2024 in the following terms:

“ Considering the above facts and circumstances, this Court find that the plaintiffs have made out the prima facie case and balance of convenience and inconvenience in their favour.

Accordingly, the defendants, their men, agent and servant are restrained from creating any third party right interest or encumbering or dealing with the suit schedule property with any third party and the defendant has also restrained from using or utilizing the conference room (as indicated in page 37 of the present application) which is not part of the agreement till 19th July, 2024. The plaintiff is directed to serve the copy of the plaint, injunction application and the documents along with this order to the defendant and to file the Affidavit of Service on the returnable date.

List the matter on 19th July, 2024.”

4. The *ad interim* injunction dated 24.06.2024, quoted above has been passed against the present appellant. As per the same the present appellants have been restrained from creating any 3rd party right interest or encumbering or dealing with the suit scheduled property with any 3rd party. They have also been restrained from using the conference room. In so far as the alleged threat or apprehension of being dispossessed from the other portions of the suit scheduled property in the present case, we find that the apprehension for the moment has been taken care

of by the above quoted order dated 24.06.2024. In view of the nature of the *ad interim* order passed against the present appellant, since no threat of dispossession arises at the moment, subject to final orders being passed, we consider it appropriate that the parties to be relegated to the Trial Court.

5. At this juncture, the learned Counsel for the respondents submits that they would be filing their objection within a week from date. Learned Counsel for the appellant submits that they would file their reply within a week thereafter.

6. The Court could only record that the trial court is expected to proceed expeditiously within a view to passing of final orders on the pending injunction application within four weeks thereafter.

7. In view of the nature of the order we have passed today, nothing survives in the present appeal.

8. The appeal and application(s) stand disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)