

17.05.2024
Court No. 3
S/L. No. 1
Sourav/
Suvayan

**FMAT 19 of 2024
With
CAN 2 of 2024**

With

**FMAT 20 of 2024
With
CAN 2 2024**

**Anita Gupta
Vs.
Arjun Gupta & Ors.**

*Mr. Avishek Guha
Ms. Sonal Agarwal*

... for the appellant.

*Mr. N. Munshi
Mr. Sk. Aptabuddin*

... for the plaintiffs/respondents.

1. Heard learned Counsel for the parties.
2. The main grievance of the learned Counsel for the appellant/defendant is that by suppressing the order passed by the competent Civil Court of Kanpur, ad interim injunction has been obtained by the plaintiffs/respondents from the learned court below.
3. The further grievance of the learned Counsel for the appellant/defendant is that the matter is lingering before the court below and the plaintiffs/respondents has taken adjournment without any valid reason. Learned Counsel for the plaintiffs/respondents on the other hand submits that there has not been suppression of

any material facts before the court below in obtaining the order of ad interim injunction and the plaintiffs/respondents are quite diligent in prosecuting the *lis*.

4. Regard being had to the rival submissions of the parties, we do not propose to enter into the merit of the case or claim and counter-claim by the parties. While affirming the order passed by the learned court below, we direct the learned Judge, 6th Bench, City Civil Court at Calcutta to dispose of the application under Order 39 Rules 1 and 2 CPC read with Section 151 thereof as filed in Title Suit No. 1696 of 2023 within a period of one month from the date of reopening of the Court after Summer Vacation.
5. Learned Counsel for the appellant/defendant undertakes to file written objection in the said petition before closing of the Court for Summer Vacation. It is made clear that no further adjournment shall be given to any of the party without valid reason and the matter shall be disposed of by the time prescribed after giving opportunity of hearing to all the parties concerned.
6. It is also worthy to mention that the parties shall have liberty to canvas their case and adduce evidence to that effect if required.

7. With the aforesaid observations, both these appeals being **FMAT 19 of 2024** and **FMAT 20 of 2024** are disposed of. So far as the FMAT 20 of 2024 is concerned, the impugned order having been passed by the 9th Bench, City Civil Court at Calcutta, the order impugned is hereby affirmed.
8. He is also directed to do the needful to dispose of the petition under Order 39 Rules 1 and 2 CPC read with Section 151 thereof as filed in Title Suit No. 1697 of 2023 in the line of observation made supra.
9. In view of the aforesaid order, the interim applications being **CAN 2 of 2024** in FMAT 19 of 2024 and interim application being **CAN 2 of 2024** in FMAT 20 of 2024 are also disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)