

16th July, 2024
(D/L No.26)
Ct. No.4
(SKB)

FMA 447 of 2024
With
CAN 1 of 2024

Maa Ambe Logistics Private Ltd.
Versus
Sahida Begum and others

Mr. Partha Pratim Roy,
Ms. Rituparna De Ghose,
Mr. Souryadeep Ghosh
... for the appellant/defendant no.16.

Mr. Dhananjay Mayek,
Mr. Abhinaba Mukherjee
... for the respondents.

1. The learned counsel for the appellant has vehemently argued that the *ad interim* injunction has been granted by the order under appeal even though no such case has been made out so as to warrant issuing of such an *ad interim* injunction.
2. Several submissions have been made with regard to the maintainability of the suit itself which for the present purposes and, at the present stage, need not be gone into, we find that the trial court has relied upon the averments as regards urgency and balance of convenience as stated in paragraph 5 of the application.
3. Without expressing any opinion on the correctness of the same and having regard to the fact that foundation was laid in the application,

we see no reason to interfere with the ad interim injunction. We consider it appropriate that the present appellant should file his objection before the trial court, which, it is submitted, will be filed within two weeks from date.

4. Upon filing of such objection, the trial court should proceed to consider the injunction application with regard to its final disposal expeditiously and preferably within 8 weeks from the date of communication of this order.
5. We make it clear that the present order may not be deemed to be the expression of this court on merits of the injunction application which is yet to be decided.
6. Accordingly, the appeal and the application are disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)