

29th April, 2024
(D/L No.09)
(SKB)

F.M.A.T. 68 of 2024
With
CAN 2 of 2024

Bikash Mondal
Versus
Bharatiya Janata Party and others

Mr. Mainak Bose,
Mr. Lakshminath Bhattacharya
... for the appellant.

Mr. Sukanta Ghosh
... for the respondent no.2.

Mr. Sahasrangshu Bhattacharjee,
Mr. Rivu Dutta
... for the respondent no.4.

Mr. Bhudeb Chatterjee,
Ms. Sabita Roy
... for the respondent no.5.

Mr. Atanu Basu,
Mr. Aniruddha Sarkar
... for the respondent no.6.

Mr. Prithu Dudhoria,
Mr. Falguni bandyopadhyay
... for the respondent no.8.

Mr. D. N. Roy,
Mr. Rajesh Kumar Shah,
Mr. Arhat Biswas
... for the respondent no.9.

1. Though the matter is listed under the heading “application”, by consent of the parties the appeal and the application are taken up for final disposal.
2. Heard learned counsel for the parties.
3. In spite of our order dated 12th April, 2024, no affidavit has yet been filed in the instant application being CAN 2 of 2024 by the respondents/opposite

parties, though it is submitted by learned counsel appearing for the respondent no.9 that he has prepared the affidavit but he could not file it today as the respondent no.9 is busy in election propaganda and he shall definitely file the affidavit by tomorrow i.e. 30th April, 2024.

4. Be that as it may, the prayer in the present petition for an order of injunction restraining the defendant/respondent no.5, the District President of Bharatiya Janata Party from performing any activities holding the post of District President, BJP in the district of South 24 Parganas having been refused, the present appeal has been filed against the order passed at ad interim stage.
5. Learned counsel for the respondents/opposite parties submit that if such a prayer would have been granted, it would have been as good as allowing the prayer in the suit.
6. At this interim stage, we do not want to go deep into the merit of the claim of either of the parties as appellant/petitioner has a chance to canvass his case before the appropriate civil court and the respondents have their right to refute the facts brought before such court by the appellant. Any remark by us at this stage may prejudice either of the parties.

7. In view of such facts and regard being had to the submissions of learned counsel for the parties, we dispose of the appeal by directing the XI Bench, City Civil Court, Calcutta to dispose of the injunction application after hearing all the parties within a period of two months excluding the period of Summer Vacation from the date of sufficiency of service on all the parties. It is further made clear that the respondents shall file their affidavit-in-opposition etc. within a period of two weeks from the date of their appearance. Learned counsel for the parties are directed to co-operate in timely disposal of the application on merit.
8. The appeal being FMAT 68 of 2024 is, accordingly, disposed of.
9. There shall be no order as to costs.
10. All the connected applications are, accordingly, disposed of.

(Chitta Ranjan Dash, J.)

(Uday Kumar, J.)