

21-05-2024
Item no.5 CD
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
(Commercial Division)

FMAT No.136 of 2024
Tewari Warehousing Company Private Limited
-vs-
Raka Tewari & Anr.
with
CAN No.1 of 2024

Mr. Anubhav Sinha
Mr. Subhasis Dey
Ms. Shruti Shaw
Ms. Shilpa Das ...for the appellant

Mr. Aniruddha Mitra
Ms. Labanyasree Sinha ...for the respondents

We have heard learned counsel for the parties.

We think that the appeal can be disposed of today
for the reasons which are given below.

This appeal is from an ad interim order dated 22nd
March 2024 of the learned court below refusing an order
of injunction.

It goes without saying that on the returnable date,
the parties have to be heard when the learned court is to
consider afresh whether to continue the existing
impugned order or to pass any interim order as prayed
for.

The balance in the matter is maintained by our
interim order in the appeal dated 2nd May 2024.

In those circumstances, we dispose of this appeal
and the connected application – FMAT No.136 of 2024
with CAN No.1 of 2024 – by directing the learned court

below to hear out the interim application in the presence of both the parties at the motion stage within two weeks after 10th June 2024. After such hearing, the learned court will reconsider the interim order to be passed and thereafter proceed to hear out the interim application upon filing of affidavits. All points are kept open before the learned court below.

Our interim order dated 2nd May 2024 will continue till 28th June 2024 or until further order of the learned court below, whichever is earlier.

[I.P. Mukerji, J]

[Biswaroop Chowdhury, J]