

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

FMA 769 of 2024
With
CAN 1 of 2024

Sreekant Bhartia and others
Versus
M/s. Ganesh Products Pvt. Ltd. And another

Mr. Siddhartha Mitra, Sr. Adv.,
Mr. Asit Baran Raut,
Mr. Tuhin Subhra Raut
... for the appellants.

Mr. Sudip Deb,
Mr. Arun Kumar Sharma,
Mr. Shovik Chakraborty,
Ms. Ipsita Ghosh
... for the respondent no.1.

Mr. Partha Pratim Roy,
Mr. Chiranjib Sinha,
Mr. D. Banerjee
... for the respondent no.2.

1. The affidavit of service filed in court today is taken on record.
2. The parties have made an elaborate submissions with reference to the order under appeal dated 02.05.2024 by the learned Judge, XII Bench, City Civil Court at Calcutta.
3. Having made their submissions, the parties are in agreement that since all the parties are now in attendance and the respondents are undertaking to file written objection before the trial court within two weeks from date, the matter can be disposed of enabling the court below to pass final

orders on the application filed under Order 39 Rules 1 and 2 of the C.P.C.

4. Learned counsel for the appellants submits that after the respondents have filed their written objections under Order 39, he will take one week further for filing reply thereto.
5. In view of the submission of the parties since they are now to pursue the matter for final disposal of the pending application under Order 39 Rule 1 and 2, before the Trial Court, pendency of the present application and appeal would be an exercise of futility.
6. With liberty to the parties to file the written objection/s and reply/s as per submissions recorded above and for the Trial Court to proceed to pass final orders within 2 weeks after filing of the pleadings, the application and appeal stands disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)