

29.07.2024  
Item No.2  
RP  
Ct. No.7

**CO 3143 of 2023**

**Majumder Construction Private Limited & Anr.  
Vs.  
Hi-Tech Awasan Pvt. Ltd. & Ors.**

Mr. Krishnendu Sarkar  
Ms. Meghla Das  
..... for the Petitioners  
Mr. Probal Mukherjee, Sr. Adv.  
Mr. Debjit Mukherjee  
Mr. Meghajit Mukherjee  
Ms. Susmita Chatterjee  
Ms. Sweta Mohanty  
..... for Opposite Party

1. The order dated August 24, 2023 passed by the learned Additional District & Sessions Judge, Fast Track 4<sup>th</sup> Court, Barasat in Misc. Appeal No.101 of 2023 is under challenge in this application under Article 227 of the Constitution of India. By order dated July 20, 2023 passed in Title Suit No.244 of 2023 the learned trial Judge passed an ad interim order of injunction restraining the defendants from alienating the suit property and from changing its nature and character till the next date. The said order was effective till August 10, 2023. Thereafter, the opposite parties herein preferred miscellaneous appeal being Misc. Appeal No. 101 of 2023 and the learned Judge of the First Appellate Court by an order dated August 24, 2023 passed an order of stay of the ad interim order of injunction on the order passed by the learned trial Judge.
2. Mr. Mukherjee, learned senior advocate representing the opposite parties submits that the ad interim order of injunction passed by the learned trial Judge was extended once and the same was in subsistence

till 21<sup>st</sup> September, 2023. Mr. Mukherjee submits that subsequently the order was not extended any further in view of the order passed in the miscellaneous appeal.

3. Mr. Mukherjee, learned senior advocate, upon instruction, submits that the opposite parties herein shall not press the miscellaneous appeal any further and will take steps for withdrawal of the same before the learned first Appellate Court. Such submission of Mr. Mukherjee is placed on record.
4. In view of such submission CO 3143 of 2023 is disposed of by requesting the learned Civil Judge, Junior Division at Bidhannagar to take up the hearing of the application for injunction after giving an opportunity to the defendants to file written objection within two weeks from date and reply thereto, if any, be filed within a week thereafter. The learned Trial Judge is requested to dispose of the temporary injunction application expeditiously without granting unnecessary adjournment to either of the parties after the injunction application is made ready for hearing.
5. Immediately after the application for withdrawal of the miscellaneous appeal is filed the learned Appellate Court shall remit the record to the trial Court.

**(HIRANMAY BHATTACHARYYA, J.)**