

02.09.2024.
Item No. 39.
Court No. 13
ap

**F.M.A.T. No. 1096 of 2014
With
I.A. No. CAN 3 of 2023**

**Diwansons Jewellers Private Limited
Versus
SRC Waterways & Land Development Company
Private Limited & Ors.**

Mr. Satadeep Bhattacharyya,
Mr. Uttam Sharma,
Ms. Vrinda Kedia.

...For the appellant.

Mr. Shiv Mangal Singh.

...For the respondent nos.5 & 6.

1. The instant appeal is directed against an ex parte ad interim order dated 2nd September, 2014 passed in Title Suit No. 202 of 2014 whereby and under the learned Civil Judge (Senior Division) North 24 Parganas at Barasat declined an ad interim order of injunction.

2. When the appeal was admitted, status quo was directed to be maintained in respect of the suit property by an order dated 10th November, 2014 passed by a Co-ordinate Bench of this Court. The said interim order was renewed from time to time.

3. Having heard the learned Counsel appearing on behalf of the respective parties, this Court is of the view that the appeal itself can be disposed of directing the Court below to dispose of the application under Order 39, Rules 1 and 2 of the Code of Civil Procedure, 1908 within a period of 21 days of communication of this order mandatorily and positively.

4. In the event the defendants in the suit have not filed any objection, they may do so within one week from date. Reply, if any, thereto be filed within three days thereafter.

5. The order of status quo already passed by this Court shall continue until and abide by the final disposal of the application on contest under Order 39, Rules 1 and 2 of the Code of Civil Procedure, 1908 filed by the plaintiff in the Court below or for a period of thirty days from date, whichever is earlier.

6. It is made absolutely clear that the Court below shall proceed with the application and the suit in accordance with law, uninfluenced by any observations made in any of the orders passed in the appeal.

7. With the aforesaid directions, the instant appeal shall stand disposed of.

8. In view of the dismissal of the appeal itself, the connected application being CAN 3 of 2023 shall also stand dismissed.

9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)

