

IA No: GA 1 of 2024
APOT No. 205 of 2024
with
CS No. 145 of 2024
IN THE HIGH COURT AT CALCUTTA
In appeal from its
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION

Kalpataru Vanijya Pvt. Ltd. & Ors.
Versus
Kotak Mahindra Bank Ltd. & Ors.

Before:
The Hon'ble Justice I. P. MUKERJI
And
The Hon'ble Justice BISWAROOP CHOWDHURY
Date: 12th June 2024

Appearance:
Mr. Mainak Bose, Advocate
Mr. R. Karnani, Advocate
Mr. Rajesh Upadhyay, Advocate
for the appellant

Mr. Swatarup Banerjee, Advocate
Mr. Amritam Mandal, Advocate
Mr. Dwaipayan Banerjee, Advocate
Mr. Abir Das, Advocate
Ms. Mahima Mukherjee, Advocate
for the respondent

The Court: Order in terms of prayer (a) of the stay petition.

We admit the appeal and at the same time dispose of it
dispensing with all formalities.

By the impugned judgment and order dated 10th May 2024
made by the learned single judge the prayer of the
appellants/plaintiffs, for an ad interim order of injunction restraining
the respondent/defendant no.1 from making any demand or acting
contrary to the agreement dated 30th January 2020 without fulfilment
of some terms and conditions, was refused.

We notice that this order was made ex parte in the presence of
the appellants/plaintiffs. The returnable date of the application is on
21st June 2024.

Mr. Swatarup Banerjee, learned counsel appearing for the respondents states that his clients are in possession of the subject property. He submits that demand notices have been issued on the appellant prior to the impugned judgment and order.

In that view of the matter, we request the learned single judge to hear out the application on 21st June 2024 or any day soon thereafter as may be convenient to the bench.

Either party may be permitted to mention this order before the learned single judge.

Till the application is taken up by the court, the respondents shall not proceed further with any demand against the appellant, without obtaining the leave of the court.

This limited order is strictly limited till the time taken by the learned single judge to consider the prayer for interim order.

All points are kept open.

The appeal (APOT 205 of 2024) and the stay application (IA No: GA 1 of 2024) are disposed of.

As affidavits were not invited, the allegations contained in the stay petition are deemed to have been not admitted.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)