

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Uday Kumar

FMAT No. 25 of 2025

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CAN 1 of 2025

+

CAN 2 of 2025

(already disposed of)

Ishika Fertilizers Limited

-VS-

M/s. Electro Mech Material Handling Systems India Pvt. Ltd.

For the appellant : Mr. Subhashish Sengupta,
Mr. Manish Shukla,
Ms. Ivi Banerjee,
Ms. Dipa Singhal

For the respondent : Mr. Prasad Sapre.

Heard on : June 18, 2025.

Judgment on : June 18, 2025.

Sabyasachi Bhattacharyya, J.:

1. The affidavit-of-service filed in Court be kept on record.
2. In view of the scope of the appeal and the connected application being co-extensive and the ambit of the appeal

itself being very short, we take up the appeal along with the connected application for hearing.

3. Learned counsel for the appellant argues that the learned trial Judge, without assigning any reason whatsoever, dismissed the mandatory injunction application of the appellant.
4. In brief, the plaintiff/respondent filed Money Suit No. 313 of 2021 against the defendant/appellant and the defendant/appellant also filed a counter claim for a monetary relief.
5. The *lis* arises out of a transaction between the parties whereby the plaintiff/respondent had supplied equipments to the appellant and apparently agreed to commissioning of the said equipments.
6. Learned counsel appearing for the appellant submits that the order, being palpably without any reason, ought to be set aside.
7. Learned counsel appearing for the plaintiff/respondent contends that the prayer of mandatory injunction is palpably barred by the concerned provisions of the Specific Relief Act, 1963, since the counter claim itself is for a monetary relief and patently, the remedy of the defendant/appellant, if any, lies in damages.

8. Hence, the prayer for mandatory injunction, being *ex facie* barred by law, was rightly rejected by the learned trial Judge.
9. Although there is substance in the contention of the respondent, we are unable to convince ourselves that the impugned order should be sustained. We could have appreciated even if there was a semblance of reasoning in the impugned order for rejection of the mandatory injunction application of the appellant by the learned trial Judge. In such a case, it is trite law that the appellate court can supply additional reasons to fill up the dearth of reasons but agree with the conclusion of the trial court.
10. However, it is equally well-settled that reason is the soul of an order.
11. In the impugned order, we find that the learned trial Judge merely put in a narrative of the respective cases of the parties and thereafter recorded that “now the question comes whether any mandatory temporary injunction can be passed at this stage”.
12. Surprisingly, however, not a single line of reasoning follows thereafter and the learned trial Judge abruptly goes on to observe that therefore, the petition under Order XXXIX Rules 1

and 2 of the Code of Civil Procedure stands rejected on contest without any order as to costs.

13. The expression “therefore” is a misnomer. The reasoning being absent in the first place, the expression “therefore” does not connect the conclusion in the order with the previous portion of the order.
14. Since the conclusion of the impugned order is bereft of even a single line of reasoning, we find that the order of the learned trial Judge cannot be sustained in the eye of law.
15. Accordingly, FMAT No. 25 of 2025 is allowed on contest, thereby setting aside the impugned order, bearing Order No. 32 dated December 12, 2024 passed by the learned Judge, Fifth Bench, City Civil Court at Calcutta in Matrimonial Suit No. 313 of 2021, and remanding the mandatory temporary injunction to the learned trial Judge for fresh adjudication on merits upon attributing reasons.
16. It is expected that the learned trial Judge shall re-adjudicate the said application in terms of the above direction at the earliest, preferably within one month from the date of communication of this order to the learned trial Judge.
17. We further clarify that we have not entered into the merits of the respective contentions of the parties and it will be open to

the learned trial Judge to adjudicate the said application on its own merits without being influenced in any manner whatsoever by any of the observations made herein.

18. We further make it clear that we have not touched the portion of the impugned order whereby the application under Order XXXIX Rule 7 of the Code of Civil Procedure was rejected, since the same is not the subject matter of the appeal, leaving it open to the appellant to challenge the same in an appropriately constituted revisional application, if the appellant so desires.

19. In view of disposal of the appeal, the connected application, bearing CAN 1 of 2025, is also disposed of.

20. There will be no order as to costs.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)