

AD- 17
Ct No.16
10.04.2025
(SSS)

FMA 476 of 2025
With
CAN 1 of 2025

Jaydeep Chakraborty and Anr.
Vs.
Repose Clinic & Research Centre
Private Limited and Ors.

Mr. A. Mookherji,
Mr. Prithish Chandra

...For the Appellants.

Mr. S. N. Mitra, Sr. Adv.
Mr. P. P. Roy,
Mr. Avra Mazumder,
Ms. Alisha Das,
Mr. Suman Bhowmik,
Mr. Samrat Das,
Ms. Elina Dey,
Mr. Sourendra Nath Banerjee

.....For the Respondent nos.1 to 3.

1. Learned Senior Counsel appearing for the respondents, on instruction from his clients, submits that no new transfer shall be registered with regard to the disputed shares till disposal of the temporary injunction application in the court below. However, it is also submitted that such concession does not tantamount to any admission and/or concession on the merits of the case.

2. In view of such fair stand having been taken by the respondents, instead of unnecessarily keeping the appeal and application pending, we dispose of

FMA 476 of 2025 along with CAN 1 of 2025 on the basis of the assurance given by the respondents to the effect that no new transfer regarding the disputed shares shall be registered till disposal of the temporary injunction application in the court of first instance.

3. The defendants/respondents shall file their written objection(s) to the injunction application in the trial court within three weeks from date. The learned Trial Judge is requested to expedite the hearing of the temporary injunction application, preferably disposing of the same within three weeks from the date of filing of the written objection(s) by the defendants/respondents.

4. We clarify further that we have not entered into the merits of the matter and it would be open to the learned Trial Judge to decide the injunction application independently and on its own merits without being influenced by any of the observations made in connection with the present appeal or in the order impugned herein.

5. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)