

17.09.2025
Item No.33
Ct. No.01
Saikat

FMA/966/2025
with
IA NO: CAN/1/2025

**AVISHAR SHOPPING COMPLEX OWNERS
WELFARE ASSOCIATION
VS.
LIBBERTON HEALTHCARE PVT. LTD. AND ANR.**

Mr. Shuvasish Sengupta, Adv.
Mr. Biswajib Ghosh, Adv.
Mr. Sourojit Dasgupta, Adv.
Mr. Steven S. Biswas, Adv.

...For the Appellant

1. In spite of service the respondents are not represented.
2. We have heard the learned counsel appearing for the appellant and peruse the earlier order dated 22nd May, 2025, passed by the co-ordinate Bench while admitting the appeal. The co-ordinate Bench has, *inter alia*, passed the following directions:-

“11. There shall be stay of operation of the impugned order dated March 21, 2025 to the limited extent that the defendant no.1/appellant and its men and agents have been restrained from giving effect to the notices dated February 19, 2025 and March 10, 2025. 12.

12. It is made clear that the other part of the impugned order, whereby the defendant no.1/appellant has been restrained from disconnecting the electricity supply to the glow-sign board of the plaintiffs on payment of requisite monthly rent by the plaintiffs and/or from dismantling the glow-sign board of the plaintiffs till May 06, 2025, are not interfered with or stayed.”

3. Keeping in mind the nature of the dispute and we feel that the reasons for which the *ad interim* order was

passed on 22nd May, 2025, being still relevant, the said *interim* order is confirmed.

4. The learned trial court is directed to dispose of the injunction application as expeditiously as possible after giving reasonable opportunity to all the parties.
5. We make it clear that the observation made in the impugned order and in the order dated 22nd May, 2025, are only *prima facie* and shall not influence the learned trial court in deciding and disposing of the injunction application on merits.
6. With the aforesaid observation and direction, the appeal as well as the pending application are disposed of.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

[SOUMEN SEN, C.J.(ACTING)]

(APURBA SINHA RAY, J.)