

17.09.2025
Item No.32
Ct. No.01
Saikat

FMA/932/2025
with
IA NO: CAN/1/2025

KAUSIK BHADURI
VS.
MADHUCHHANDA BOSU AND ANR.

Mr. M.P. Gupta, Adv.
Ms. Moumita Dhar, Adv.

...For the Respondent No.1

Mr. Sayak Ranjan Ganguly, Adv.
Ms. Srijani Ghosh, Adv.
Ms. Indrani Majumdar, Adv.

...For the Respondent No.2

1. We have heard the learned counsels appearing for the parties.
2. The consideration for which an *ad interim* order was passed on 6th May, 2025, shall continue till disposal of the injunction application pending before the learned trial court.
3. We have been informed that the written objection by the respondent No.2 in view of the facts that the SARFAESI proceeding is also continuing and the said proceeding has been put on hold in view of the order passed on 6th May, 2025.
4. We request the learned trial court to dispose of the injunction application on the returnable date that is on 29th November, 2025, otherwise within a reasonable time, if for some reason the hearing of the said

application could not be concluded on that date.

Affidavits are to be exchanged in the meantime.

5. In order to show *bona fide* the appellant shall deposit Rs.70 lakhs within two weeks with the respondent No.2 which shall be kept in a short-term Fixed Deposit account yielding highest return to the credit of the suit filed in the trial court, in default, the interim order shall stand vacated. This order is without prejudice to the rights and contentions of the parties in a settlement.
6. We would, however, observe that the said application may be disposed of on merits without being influenced by the order dated 6th May, 2025, or the impugned order by 15th December, 2025.
7. With the aforesaid observation and direction, the appeal as well as the pending application are disposed of.
8. 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.)