

05. 20.05.2025
Court No.37
(Tanmoy)

AO-COM/8/2025

IA No: CAN/1/2025 (not in file)

M/S JOY BABA LOKENATH CONSTRUCTION AND ORS.

-Versus-

PIJUSH MUKHERJEE AND ORS.

Mr. Shyamal Kr. Das

Mr. Pronojit Roy

...for the appellants.

Mr. Kaustav Banerjee

Ms. Ria Kundu

...for the respondents.

Dictated by Arijit Banerjee, J.

1. This appeal is directed against an *ex parte* *ad interim* order of injunction dated April 7, 2025, passed by the learned Judge, Commercial Court at Rajarhat, North 24-Parganas in a suit filed by the respondent no.1 herein.

2. The appellants say that there is an agreement with them for development of a property. They have developed the property spending substantial sums of money. Because of the order of injunction, they are unable to transfer the flats in the property. Hence this appeal.

3. We see that the order impugned was passed in the absence of the appellants/defendants. It was an *ex parte* order. Service of the plaint and petition has been effected on the appellants/defendants by the plaintiff/respondents herein. Nothing prevents the appellants from approaching

the learned Trial Court with an appropriate application for vacating the order.

4. We, therefore, do not entertain this appeal. However, this will not prevent the appellant from applying for vacating the order of injunction. If such an application is made within a week from date (27.05.2025), the learned Trial Court is requested to dispose of the same, in accordance with law, as expeditiously as the business of the Court may permit.

5. A copy of this order be placed before the learned Trial Court.

6. The appeal being AO-COM/8/2025 and the connected application being IA No: CAN/1/2025 stand disposed of.

7. Urgent photostat certified copy of this order, if applied for, be made available to the parties, upon compliance with all necessary formalities.

(Arijit Banerjee, J.)

(Om Narayan Rai, J.)