

04.09.2025
SL No.17
Court No.16
(gc)

**FMAT 236 of 2025
CAN 1 of 2025**

**Aleya Begum Sk.
Vs.
Abu Sharifuddin & Ors.**

Mr. Tarak Nath Halder,
Mr. Shamim ul Bari
...for the Appellant.

Mrs. Sulekha Mitra,
Mr. Manas Kumar Das
...for the Respondent No.1.

Mr. Aniruddha Chatterjee, Sr. Adv.,
Mr. Abir Lal Chakraborty
...for the Respondent No.2.

1. We have heard the learned Counsel for the parties.
2. The basis for vacating the interim order does not appear to be based on a sound principle of law and initially we admit the appeal and restore the ad-interim order of injunction. However, as pointed out by Mr. Aniruddha Chatterjee, learned Senior Counsel appearing on behalf of the respondent no.2 that out of a sum of Rs.13.50 lakhs, only a sum of Rs.50,000/- in cash was paid and the cheque of Rs.1 lakh was returned being dishonoured which fact was, however, not disclosed before the Trial Court. This is a factor which goes against the plaintiff

as the readiness and willingness to perform the agreement is gravely affected by reason of such conduct.

3. The learned Counsel appearing for the appellant, however, has submitted that the appellant shall deposit the entire agreed amount to the credit of the suit after deducting the amount already advanced, that is, Rs.50,000/-.
4. In the event the appellant deposits a sum of Rs.13 lakhs within a period of two weeks from date, the interim order passed on 21st August, 2025 shall continue till the disposal of the suit. In default, the interim order shall stand vacated.
5. The appellant shall create a fixed deposit account of the aforesaid sum with any nationalized banks yielding highest return for three years and deposit the original fixed deposit certificate within a period of three weeks with the learned Trial Court which shall be kept in the safe custody of the Court till the disposal of the suit.
6. A photocopy duly authenticated by the bank shall be handed over to the Advocate-on-record for the respondents for information and doing the needful.
7. Accordingly, the appeal and the application are disposed of.
8. However, there shall be no order as to costs.

9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)