

25.8.2025
SI No.27
Court No.16
SB

F.M.A. 1264 of 2025
CAN 1 of 2025

Prabha Devi Saraf & Anr.
Vs.
Hsieh Meek Kim & Anr.

Mr. Varun Kothari
Mr. Nikunj Berlia
Mrs. Urvashi Jain ... for the appellants.

1. We have heard the learned counsel appearing on behalf of the appellants.
2. It appears that the learned Trial Court has refused to pass any interim order on the ground that in absence of schedule with regard to the car parking area, the learned Trial Court was unable to pass any order without giving an opportunity of hearing to the respondents.
3. In view of the fact that the matter is fixed on 04.9.2025, we request the learned Trial Court to consider whether a temporary injunction order could be passed in favour of the appellants till the disposal of the injunction application on merits on the clarification that may be required and also after giving an opportunity of hearing to the respondents on the issue.
4. Accordingly, the appellants are directed to serve a copy of plaint and injunction petition upon the respondents by speed post with acknowledgement due on or before Thursday ((28.8.2025) along with a copy of this order. An affidavit of service to that effect shall be filed on the next date of hearing.

5. In the event, the respondents in spite of service are not represented on 04.9.2025, we request the learned Judge, City Civil Court, Calcutta to decide the said prayer for ad interim order in absence of the respondents.
6. We make it clear that we have not gone into the merits of the case.
7. The appeal and the application are disposed of.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)