

**16.01.
2025**

Ct. No. 08

Ab

**FMA 855 of 2024
IA No, CAN 1 of 2024**

**Rintel Telecom Equipment Private Limited
Vs.
Sushanta Kumar Basu and another.**

**Mr. Rudraman Bhattacharya,
Mr. Akash Munshi,
Ms. Sanjana Shaw.**

... for the appellant.

**Mr. Rupak Ghosh,
Ms. Gargi Goswami,
Mr. Amitava Deb.**

... for the respondents.

After hearing the respective parties on 3rd December 2024, this Court felt that the point so raised in the appeal needs to be decided in presence of the other side and, therefore, without passing a formal order of admission of the instant appeal, the direction was made to serve the copy of the stay application upon the respondents, which, in fact, has been done. The respondents have entered appearance.

The application for stay contains the copy of the application for temporary injunction filed before the Trial Court as well as the copy of the plaint and, therefore, it will be deemed that the compliance to the provision contained under Order XXXIX Rule 3 of the Code of Civil Procedure has been made.

It appears that the ex parte ad interim order of injunction was refused as far back as on 2nd April 2024. The Trial Court has assigned reasons, which, in our opinion, is mere tentative and shall not have any persuasive impact at the time of deciding the application for temporary injunction. The point of law is also raised by the appellant as well as the respondents, which, in our opinion, touches upon the facts pleaded in the case or to be pleaded at the behest of the respondents and,

therefore, we do not delve to decide the nitty-gritty thereof. We keep all such point open as we feel that the justice would be sub-served in the event the application for temporary injunction pending before the Trial Court is decided within a time frame.

We, therefore, direct the respondents to file written objection to the application for temporary injunction within two weeks from date; rejoinder, if any, shall be filed within a week therefrom. The Trial Court is requested to dispose of the application for temporary injunction within fortnight from the date of expiration of period for exchange of affidavits by recording proper reasons in accordance with law.

In order to adhere the time limit as indicated above, it is open to the learned Judge in the Trial Court to refuse any unnecessary adjournment to either of the parties unless necessitated by unavoidable and unforeseen circumstances. The time set forth for exchange of affidavits is peremptory and mandatory.

For abandon precaution we are made clear that we had no occasion to go into the merit of the case; any observations made, incidentally and/or accidentally, herein above shall not have any persuasive effect at the time of disposal of the temporary injunction application on merit. The points available to the parties are kept open and shall not be deemed to have decided in the instant appeal.

With these observations, the appeal and the connected application being CAN 1 of 2024 are disposed of.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

