

12th March,
2025
(AK)
24

F.M.A.T 256 of 2024
IA No: CAN 1 of 2024

Ramgopal Soni @ Ram Gopal Soni
Vs.
Kanta Devi Bhiwaniwala and others

Mr. Debnath Ganguly
Mr. Jogendra Pandey
Mr. Supriyo Dutta
Mr. Aranya Saha

...for the appellant.

1. We find from the previous orders passed in the present appeal that copies were directed to be served in respect of the application filed in connection with the appeal.
2. However, the appeal was never formally admitted.
3. The grievance of the appellant is that the *ad interim* order of injunction initially granted by the learned trial Judge on the basis of the temporary injunction application filed by the appellant was not extended by the impugned order all on a sudden, without any rhyme or reason.
4. However, on a careful perusal of the original *ad interim* order dated October 18, 2023, the non-extension of which is the subject-matter of challenge herein, we find that by dint of the same, no effective relief was granted to the appellant.

5. The said order merely directed the parties “not to come in the ways of each other”.
6. Also, the opposite parties/defendant nos.1 to 7 were directed to look for an alternative accommodation of the plaintiff/petitioner without losing much time.
7. Other irrelevant observations were also made in the ordering portion thereof.
8. Hence, the extension or non-extension of such an ineffective order does not, in our opinion, matter much insofar as the interest of the appellant is concerned.
9. In fact, the purpose of justice would only be subserved if the substantive temporary injunction application filed by the plaintiff/appellant in the trial court is disposed of and adjudicated on the basis of the prayers made therein upon giving opportunity of hearing to both sides.
10. Learned counsel for the appellant submits that the pleadings in respect of the temporary injunction application have been exchanged by the parties in the court below.
11. Accordingly, the temporary injunction application itself is ripe for hearing by the learned trial Judge.
12. Hence, in the event we admit the appeal, the same shall be more detrimental to the interest of the appellant, since it would have the effect of

perpetuating an ineffective ad interim order, than if we dismiss the appeal here and now and direct the learned trial Judge to dispose of the injunction application within a limited period, which would serve the purpose of the appellant more.

13. Accordingly, FMAT 256 of 2024 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.
14. CAN 1 of 2024 is also disposed of accordingly without any order as to costs.
15. The learned trial Judge is directed to dispose of the main temporary injunction application of the appellant pending before the said court as expeditiously as possible, positively within three weeks from the date of communication of this order to the learned trial Judge.
16. It is expected that the learned trial Judge, this time, shall advert to the actual prayers made in the injunction application and the pleadings of the parties in the injunction application and the written objection thereto and shall adjudicate the same on merits by applying appropriate provisions of law.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)