

16
03.9.2025
Ct. No. 16
SB

FMA 1416 of 2025
CAN 1 of 2025 (stay)
M/S Pratap Credit Capital Pvt. Ltd.
Vs.

Kiran Agarwal

Mr. Samir Kumar Dhar For the appellant

1. In view of the fact that the impugned order was till 23.7.2025 and by the time this appeal was filed, the interim order had already expired, this appeal for all practical purposes has now become infructuous.
2. The learned counsel for the appellant is unable to inform this Court whether the interim order has been extended or not. It is, however, submitted that the interim order was obtained by suppression of material facts and orders passed in the earlier suit.
3. It is trite law that when the Court is deciding a prayer for ad interim injunction, the Court proceeds on the basis of the averments made in the petition and in the event, the trinity test for granting ad interim order of injunction is established, the Court passes an ad interim relief. If there is any suppression of material facts, it is always open for the appellant to approach the learned Trial Court for variation, modification and / or recalling the ad interim order. The said right is always preserved.
4. With the aforesaid observation, we dispose of the appeal and application.

(Soumen Sen, J.)

(Apurba Sinha Ray, J)