

18th August,
2025
(AK)
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F.M.A.T 269 of 2024
IA No: CAN 4 of 2025

Shri Praveen Jain and another
Vs.
Tulsan Properties Private Limited and another

Mr. Hamidul Haque
Mr. Bhupendra Gupta
...for the appellants.

Mr. Meghajit Mukherjee
Ms. Mobina Ali
Ms. Srijeeta Gupta
Ms. Sonia Das
...for the respondents.

In Re: CAN 4 of 2025

1. Affidavit-of-service filed in court today be kept on record.
2. The present application has been filed for recall of an order dated November 4, 2024 passed by this Bench in connection with an application for injunction.
3. Previously, this Bench had formulated a question and referred the matter for resolution by a Larger Bench.
4. The point of reference was as follows:

“Whether an order passed by a Bench of this Court not being conferred with determination by virtue of the roster fixed by the Hon’ble the Chief Justice is vitiated by inherent lack of jurisdiction so as to

render the order so passed a nullity in the eye of law or void *ab initio*".

5. The reference has since been answered by a Larger Bench constituted by the Hon'ble the Chief Justice by an order dated July 3, 2025, whereby the reference was answered in the affirmative, by holding that such an order, by a Bench not having determination, is vitiated by inherent lack of jurisdiction so as to render the order so passed a nullity in the eye of law and void *ab initio*.
6. In view of such answer to the reference, the order dated November 4, 2024 by this court is deemed to be a nullity *ab initio*.
7. Accordingly, CAN 4 of 2025 is allowed, thereby recalling the order dated November 4, 2024 passed by this court in connection with FMAT 269 of 2024 along with CAN 1 of 2024 and CAN 2 of 2024.
8. There will be no order as to costs.
9. Liberty to the parties to mention the main matter before the appropriate Division Bench having determination.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)