

D/L
Item No. 11
25.09.2025
KOLE
266301

**FMAT 379 of 2025
With
CAN 1 of 2025**

**Madhusudhan Bhagat & Anr.
-Vs.-
True Blue M2M Pvt. Ltd.**

*Mr. A. Agarwalla,
Mr. B. N. Joshi,
Mr. V. Kothari,
Ms. D. Mukherjee,*

...for the appellants.

Dictated by Arijit Banerjee, J:-

This appeal is directed against an order dated August 13, 2025, passed by the learned Judge, Bench-VII, City Civil Court, Calcutta in CS No. 15 of 2025, being a suit filed by the appellants against the respondent herein. By the said order, the learned Trial Judge declined to pass an *ex parte* order of temporary injunction against the respondent. Direction was issued for service on the respondent and September 2, 2025 was fixed as the returnable date.

Mr. Kothari, learned Advocate, appearing for the appellants tells us that on September 2, 2025, the appellants/plaintiffs sought adjournment because the present appeal is pending.

We are not inclined to go into the merits of the case since the matter is pending before the learned Trial Court which has not yet decided the issue before it. We are of the view that on September 2, 2025, instead of obtaining adjournment, citing pendency of this appeal which was, in

fact, presented on that very date, the plaintiffs should have proceeded with the matter before the learned Trial Court.

Be that as it may, we do not entertain this appeal at this stage. The appellants will be at liberty to proceed with their application before the learned Trial Court.

The appeal and the connected application are, accordingly, disposed of.

We clarify that we have not addressed the merits of the case at all. We also request the learned Trial Court to give some precedence and prepone the hearing of the plaintiffs' application so that the same may be disposed of by the end of November, 2025.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)