

08.01.2025
sayandeep
Sl. No. 82
Ct. No. 08

FMAT 415 of 2024

With
CAN 2 of 2024

Abul Kalam Mondal
-Versus-
Sahin Mondal & ors.

Ms. Manali Biswas

..... for the appellant

Ms. Shahima Haque

Ms. Moumita Kumar

....for the respondent No. 1 to 5

Pursuant to the order dated 17.12.2024, the respondent nos. 1 to 5 appeared in the instant appeal. It is submitted by the counsel appearing for the appellant that the service was effected upon respondent Nos. 6 to 12 in the trial Court but they neither appeared nor chose to contest the application for temporary injunction. It appears that the appearing respondents are the contesting defendants in an application for temporary injunction and, therefore, there is no impediment in securing the disposal thereof.

The instant appeal arises from an order by which the trial Court refuses to pass the *ex parte ad interim* order of injunction and issued show cause upon the defendants/respondents as to why the prayer for injunction should not be allowed. We are given to understand that the respondent Nos. 1 to 5 has already filed written objection to an application for temporary injunction but the appellant has not filed the rejoinder thereto.

It would meet the ends of justice if the application for temporary injunction is decided on merit within a short period of time as the purpose for temporary injunction would be frustrated by delay.

We, therefore, permit the appellant to file rejoinder to the written objection filed by the said respondents within 7 days from date.

The trial Court is requested to prepone the date already fixed for hearing of the said application for temporary injunction which should not exceed beyond 7 days from date of filing the rejoinder and shall make endeavour to dispose of the application for temporary injunction within 10 days therefrom after affording an opportunity of hearing to the respective parties.

In order to adhere the time limit as indicate above, if necessary, the learned Judge shall fix the date for hearing of an application for temporary injunction on day to day basis and shall not grant adjournments to either parties unless necessitated by unforeseen and unavoidable circumstances.

For abundant precaution, it is hereby made clear that this Court has no occasion to go into the merit of the respective stands of the parties and any observations made hereinabove shall not have any persuasive effect in deciding an application for temporary injunction on merit in accordance with law.

The appeal and the connected application are accordingly disposed of.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)