

Form No. J(2)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Supratim Bhattacharya

FMA 130 of 2026
IA No: CAN 1 of 2026

Asit Baran Dey
Vs.
JHM Import Export (P) Ltd and others

For the appellant : Mr. Partha Pratim Roy,
Mr. Amitabha Ghosh,
Ms. Sujata Mukherjee,
Ms. Nabanita Chatterjee

For the respondent no.1 : Mr. Abhishek Halder,
Mr. Oman Faruk Gazi

For the respondent no.5 : Mr. Sanjay Saha,
Mr. Raju Mondal

Heard on : 23.02.2026

Judgment on : 23.02.2026

Sabyasachi Bhattacharyya, J.:-

1. Affidavit-of-service filed today be kept on record.
2. The appeal is admitted on the limited question as to whether the matter can be remanded to the trial court on the basis of the prayers now made by the plaintiff before this Court.
3. Learned counsel for the plaintiff/appellant submits that since, by the impugned order, the learned Trial Judge refused to grant ad interim

injunction due to non-compliance of Section 80 of the Code of Civil Procedure, as reliefs have been sought against State instrumentalities, upon instruction, learned counsel submits that the plaintiff is willing to forego the claims made against the defendant nos. 3 to 6, that is, the instrumentalities of the State, and also to delete their names from the plaint as well as the reliefs sought against the said defendants.

4. Accordingly, since the impugned order was passed solely on the premise of Section 80 of the Code of Civil Procedure, on the basis of the plaintiff's prayer, we direct the plaintiff to delete the names of the respondent nos. 3 to 6 from the array of parties in the suit. Necessary consequential corrections in that regard shall be carried out by the plaintiff/appellant in the plaint before the trial court within a week from date on the strength of a server copy of this order.
5. Secondly, the plaintiff shall also delete reliefs (a), (h), (i) and (j) from the prayer portion of the plaint and effect the necessary consequential corrections to the plaint, also within a week from date.
6. It is hereby recoded that the plaintiff relinquishes all claims/reliefs with regard to the State instrumentalities in the present suit.
7. Since the State instrumentalities were parties to the suit and reliefs were claimed against them till now, we are not inclined to interfere with the impugned order. However, liberty is hereby granted to the plaintiff/appellant to renew his prayer for ad interim injunction by filing a fresh injunction application upon deleting the names of the

State instrumentalities and the prayers made in respect of such parties.

8. If such a fresh application is made, the learned Trial Judge shall endeavour to dispose of at least the prayer for ad interim injunction made in connection with the same upon hearing both sides as expeditiously as possible, preferably within a week after filing of the same.
9. FMA 130 of 2026 and CAN 1 of 2026 are disposed of in terms of the above observations.
10. There will be no order as to costs.
11. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)