

D/L.32.
May 7, 2026.
MNS.

FMAT No. 445 of 2025
+
CAN 1 of 2025
+
CAN 2 of 2026

Sheikh Nayemuzzaman and another
Vs.
M/s. Silver United Construction and others

Mr. Rishabh Ahmad Khan, Adv.

... for the appellants.

Mr. Ayan Poddar,
Mrs. Hera Nafis, Advs.

...for the respondent nos. 1 to 3.

Re : CAN 2 of 2026 (condonation)

1. The present appeal has been preferred against the refusal of the appellants' prayer for ad interim injunction.
2. In the condonation application, the explanation sought to be furnished is that although initially the ad interim order was refused, the appellants were under the impression that the injunction application will be taken up soon. When the same did not happen, the present appeal has been preferred.
3. However, both the cause of action for preferring an appeal and the limitation period commence from the very day when the impugned order is passed. Thus, if there was sufficient urgency, the appellants would not have

waited to see whether the injunction application is disposed of before the preferring the appeal.

4. Hence, the ground furnished for the delay is not sufficient for the purpose of allowing a condonation application.

5. In any event, we are apprised that the defendant nos.1 to 3/respondents have already filed their written objection in the Trial Court to the injunction application.

6. Even otherwise, since about ten months have elapsed after the refusal of the ad interim order of injunction, the ends of justice would be subserved if the parties contest the injunction application and canvass their respective contentions before the trial Court.

7. Thus, CAN 2 of 2026 is dismissed.

8. Accordingly, FMAT No. 445 of 2025 is dismissed as time-barred.

9. As a result, CAN 1 of 2025 is also disposed of.

10. There will be no order as to costs.

11. It is expected that the learned trial Judge shall dispose of the injunction application as expeditiously as possible without being influenced in any manner by the dismissal of the present appeal.

12. We also clarify that we have not entered into the merits of the contentions of the parties either way.

13. The above direction shall not preclude the learned trial Judge from taking up the application filed by the defendants/respondent nos.1 to 3 under Order XXIII of the

Code of Civil Procedure along with the injunction application.

(Biswaroop Chowdhury, J.) (Sabyasachi Bhattacharyya, J.)