

D/L.25.
December 23, 2024.
MNS.

FMAT No. 120 of 2024
+
CAN 1 of 2023

Aanam Tarafdar and another
Vs.
Sowkat Ali Mondal and others

Ms. Tanushree Dasgupta

... for the appellants.

Re : CAN 1 of 2023 (stay application)

1. The nature of the present application, bearing CAN 1 of 2023, which is for stay of operation of the impugned injunction order, is such that in the event the application is allowed or any ad interim order is passed at this stage, it will tantamount to granting the main relief sought in the appeal itself prior to hearing the same on merits.
2. Therefore, we direct the application to be heard along with the appeal itself.
3. Accordingly, the appeal and the application shall be listed for hearing on January 22, 2025.
4. Affidavit-of-service filed in court today is kept on record, which indicates that despite service, the respondents are not appearing today.
5. The appellants shall serve a further notice to the respondent nos. 1 to 11 at the earliest, communicating the next returnable date and a gist of this order, which shall be treated to be notice of appeal itself.

6. The learned Advocate for the appellants shall prepare and file the requisite number of informal paper books without comparing with the records within January 10, 2025 and shall serve copies of the same as well on the respondent nos. 1 to 11 and a further affidavit-of-service shall be filed on the returnable date to that effect.

7. In view of the limited nature of the appeal, the trial Court records need not be called for at this juncture.

8. All other formalities except service of notice of appeal on the respondent nos. 1 to 11 are hereby dispensed with.

9. Service of notice of appeal on the proforma respondent nos. 12 to 30 is hereby dispensed with.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)