

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 Sandip Kumar De

FMA No. 885 of 2026
+
CAN 1 of 2026

Minto Park Syndicate and others
Vs.
Dalhousie Holdings Limited and another

For the appellants : Mr. Jayanta Kumar Mitra, Sr. Adv.,
Mr. Debnath Ghosh, Sr. Adv.,
Ms. Urmila Chakraborty,
Mr. Orijit Chatterjee,
Ms. Swati Dalmia,
Ms. Sabarni Mukherjee,
Ms. S. Ahmed, Advs.

For the respondents: Mr. Krishnaraj Thaker, Sr. Adv.,
Mr. Debrup Bhattacharji,
Mr. Steven S. Biswas,
Mr. Siddharth Singh, Advs.

Heard on : 10-08-2026.

Judgment on : 10-08-2026

Sabyasachi Bhattacharyya, J.:-

1. At the time of call, learned senior counsel appearing for the respondents hands over the written instructions given by the respondents, indicating that the respondents concede to the prayer made by the appellants in the present appeal, without prejudice to the

rights and contentions of the parties in the main injunction application pending before the trial court.

2. Learned senior counsel appearing for the appellants agrees to such proposition.
3. Although learned senior counsel for the appellants also seeks to point out that the defendants/appellants may make a demurrer application in the trial court challenging the maintainability of the suit, be that as it may, in the event we enter into the merits of the case at this stage, the same may unnecessarily prejudice the learned trial Judge at subsequent stages of the proceeding.
4. Since the parties are *ad idem* on the appeal being disposed of by setting aside the impugned order, FMA No. 885 of 2026 is allowed on consent, thereby setting aside the impugned order dated April 18, 2026 passed by the learned Civil Judge (Senior Division), First Court at Alipore, District- South 24 Parganas, in Title Suit No. 170 of 2026 and requesting the learned Trial Judge to dispose of the main injunction application as expeditiously as possible, preferably within six weeks from the date of communication of this order to the learned trial Judge.
5. We make it clear that the merits of the matter have not been gone into and it will be open to the learned Trial Judge to dispose of the injunction application and/ or any other application, if filed by the parties, on their own merits and in accordance with law without being influenced in any manner by any of the observations made herein or by the present appeal being allowed.
6. CAN 1 of 2026 is also disposed of accordingly.

7. There will be no order as to costs.
8. Urgent 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.

(Sandip Kumar De, J.)