

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

**52 24.04.
sm 2019**

**FMAT.2 of 2019
WITH
CAN 1 of 2019**

**Sri Pradip Choudhury
Versus
Smt. Rupa Chakraborty & Anr.**

**Mr. Debasish Mukherjee,
Mr. Pragadipta Roy.
.....for the appellant.**

The appeal arises out of the refusal by the trial court to pass an ex parte ad interim order of injunction in a suit for specific performance relating to the sale and purchase of a shoproom.

It is elementary that an ex parte order is an exception and not the rule. Cogent reasons are found in the order impugned as to why an ex parte order was not called for.

However, there appears to be some urgency in the matter and the trial court is requested to take up and dispose of the injunction application as expeditiously as possible and without granting any adjournment to the parties.

Since the respondents are not represented and have not been served, the appellant is directed to immediately forward copies of this order to the respondents.

FMAT 2 of 2019, together with the injunction application, CAN 1 of 2019, are disposed of without any costs.

(Sanjib Banerjee, J.)

(Suvra Ghosh, J.)