

GAHC010289282023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/437/2023

MANOJ LALA
S/O LATE MOHAN LAL LALA, R/O CENTRAL ROAD, SILCHAR, P.O.-
SILCHAR, DIST-CACHAR, ASSAM-788001

VERSUS

RAJENDRA KUMAR SAMSUKHA AND 10 ORS
S/O LATE ABHAY CHANDRA SAMSUKHA, CENTRAL ROAD, P.O. AND P.S.-
SILCHAR, DIST-CACHAR, ASSAM, PIN-788001

2:GOURA CHAKRABORTY
S/O LATE GISPATI NARAYAN CHAKRABORTY
CENTRAL ROAD
P.O. AND P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788001

3:BARNALI MAZUMDER
D/O SRI RAMAKANTA MAZUMDER
CENTRAL ROAD
P.O. AND P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788001

4:MITRA ROY
W/O LATE SWAPAN ROY @ SWAPAN KUMAR ROY
LINK ROAD SILCHAR
CACHAR
ASSAM-788001

5:RAJ RUPA ROY
D/O LATE SWAPAN KUMAR ROY
W/O SAMIR BHATTACHARJEE
FLAT NO. 406
WEST END APARTMENT
MONDAPUR
GOCHIBOWLI
HYDERABAD-500084
DULY REPRESENTED BY HER CONSTITUTED ATTORNEY (MOTHER) VIDE
POWER OF ATTORNEY NO. 815 DATED 30/10/2019
MITRA ROY
W/O SWAPAN ROY @ SWAPAN KUMAR ROY
LINK ROAD
SILCHAR
P.O. AND P.S.-SILCHAR
CACHAR
ASSAM
P/R/A C/O PRINCE TAILOR
CENTRAL ROAD
P.O. AND P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788001

6:DEBARUPA ROY
D/O LATE SWAPAN KUMAR ROY
W/O JOYDEEP CHAKRABORTY
FLAT NO. 708
F-30
SECTOR 50
NOIDA-201301 (U.P)
DULY REPRESENTED BY HER CONSTITUTED ATTORNEY (MOTHER) VIDE
POWER OF ATTORNEY NO. 815 DATED 30/10/2019
MITRA ROY
W/O SWAPAN ROY @ SWAPAN KUMAR ROY
LINK ROAD
SILCHAR
P.O. AND P.S.-SILCHAR
CACHAR
ASSAM
P/R/A C/O PRINCE TAILOR
CENTRAL ROAD
P.O. AND P.S.-SILCHAR
DIST-CACHAR
ASSAM
PIN-788001

7:RANJIT KUMAR DAS

R/O WEST NORSING ROAD
AMBICAPATTY
SILCHAR-788004

8:PRANAB DA SGUPTA
R/O NAGNAHA LANE
P.O. AND P.S.-SILCHAR
DIST-CACHAR
ASSAM-788001

9:JUMUR ROY
R/O ULLASKAR DUTTA SARANI
JAIL ROAD
P.O. AND P.S.-SILCHAR
DIST-CACHAR
ASSAM-788004

10:NUPUR ROY
R/O NUTAN PATTY
SILCHAR
DIST-CACHAR
ASSAM-788001. SONS AND DAUGHTERS OF LATE PHANI BHUSAN DAS
GUPTA

11:RATHINDRA DAS
S/O LATE ROMAPADA DAS
C/O RASTRIYO SONGBAD SANGSTHA
CENTRAL ROAD
SILCHAR
CACHAR
ASSAM-78800

Advocate for the Petitioner : MR. B CHAKRAVARTY

Advocate for the Respondent :

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

03.01.2024

Heard Mr. B. Chakravarty, learned counsel appearing for the petitioner.

This is an application under Article 227 of the Constitution of India praying for a direction of this Court asking the trial court to dispose of Misc. (J) Case No.13/2023 (arising out of Title Suit No.06/2023) according to mandate of Order 39 Rule 3A of the Code of Civil Procedure (CPC).

On 27.01.2023, in a petition under Order 39 Rule 1 and 2 of the CPC, the trial court passed an order directing both sides of the case to maintain *status quo* over the suit Schedule-I land until further orders. This direction was passed without hearing the opposite party of the case. The trial court opined that if such an order is not passed and construction is allowed to proceed, the petitioner would suffer irreparable loss and injury.

I have considered the submissions made by the learned counsel of the petitioner.

The said direction asking the parties to maintain *status quo* amounts to an order of injunction. Therefore, the Order 39 Rule 3A of the Code will be applicable in that case. The Order 39 Rule 3A reads as under:

“3A. Court to dispose of application for injunction within thirty days. –

Where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which the injunction was granted; and where it is unable so to do, it shall record its reasons for such inability.”

Therefore, the said Misc. (J) Case No.13/2023 should have been disposed of within thirty days of passing the *status quo* order. But that was not done.

The learned trial court is directed to dispose of the Misc. (J) Case

No.13/2023 within thirty days of receiving the copy of this order.

The petitioner is given the liberty to submit a copy of this direction to the learned trial court.

With the aforesaid direction, the revision petition is disposed of.

JUDGE

Comparing Assistant