



Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP. No. 1 of 2025

Date of Order: 25.02.2025

M/s Momin Biri Factory
Proprietor: Mr. Ashikul Momin
Khandakar, resident of Tumni,
Po.: Tumni, South Salmara,
Dist: Mankachar,
Pin Code 783127,
Assam, India.

Vs. 1.M/s Arpan Biri Factory
Proprietor: Shri Amit Karmakar,
S/o- Dulal Karmakar, having its
head-office at Dafahat,
P.O.- Dafahat, P.S- SutiDafahat,
District – Murshidabad,
West Bengal – 742224
(Through its Proprietor Shri Amit
Karmakar, S/o- Dualal Karmakar,
R/o Dafahat, P.O- Dafahat,
P.S SutiDafahat,
District- Murshidabad
West Bengal – 742224.

2. M.s Ayat Enterprise
Proprietor: Shri Alom Hussain,
S/o Abul Hussain,
Having its head-office at Rajabala
Bazar, NH-127B, Rajabala Branch
Post Office, Batabari Rajabala,
West Garo Hills – 794104.
(Through its proprietor Shri. Alom
Hussain, S/o Abdul Hussain,
R/o Rajabala, P.O & P.S-Rajabala,
District- West Garo Hills,
Meghalaya)

....Appellant/Plaintiff

....Respondents/Defendants.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

**Appearance:**

For the Petitioner/Appellant(s) : Mr. B. D. Konwar Adv.

For the Respondent(s) : None.

ORAL:-

Heard Mr. B. D. Konwar, learned Senior Counsel assisted by Mr. J. Talukdar, learned Counsel appearing for the petitioner.

By this application under Article 227 of the Constitution of India, the petitioner has challenged the *ex-parte* interim injunction order dated 13-11-2024 passed in Misc. Case No. 23 of 2024 arising out of Title Suit No. 8 of 2024 by the Additional Deputy Commissioner, Tura.

The learned Senior Counsel for the petitioner submits that the learned Additional Deputy Commissioner has passed the impugned order without any jurisdiction as the dispute between the parties in the present matter has arisen out of a commercial dispute requiring adjudication by the Commercial Court. He further submits that there are other litigations pending between the parties involving similar and identical issues raised in the Title Suit No. 8 of 2024. It is the submission of the learned Senior Counsel that the instant matter strictly falls under the purview of the Commercial Courts Act, 2015 and, as such, the learned Trial Court could not have entertained the Title Suit No. 8 of 2024 and passed the impugned order dated 13-11-2024.



It is further submitted by the learned Senior Counsel that the petitioner has now put on his appearance before the Trial Court and filed his written statement in Title Suit No.8 of 2024. In addition, the petitioner has also filed an application seeking vacation of the interim order dated 13-11-2024 along with applications under Section 10 CPC and under Order 7 Rule 10 CPC challenging the maintainability of the suit.

It appears from the materials on record that impugned order dated 13-11-2024 is only an ex-parte order of injunction which was passed without issuing prior notice to the petitioner herein. Since, the petitioner has already filed his response before the Trial Court, this Court at this stage is not inclined to entertain this civil revision petition by invoking jurisdiction under Article 227 of the Constitution of India without expressing any opinion as to the merits of the matter. However, the petitioner will be at liberty to agitate all the grounds raised in this revision petition before the Trial Court. The learned Trial Court shall make an endeavor to dispose the objections raised by the petitioner within a period of 30 (thirty) days from the date of the receipt of the certified copy of this order.

With the above, this revision petition stands disposed of.

Judge

Meghalaya
25.02.2025
"Biswarup PS"