

Item-
28.

sg

15-09-2026

Ct. 6

CO 3173 of 2026

Raju Basak
Versus
Nilanjan Sengupta & Ors.

Mr. Tanmoy Mukherjee
Mr. Souvik Dari
Mr. R. Dari
...for the petitioner
Mr. Krishnaraj Thakker, Sr. Adv.
Mr. Indranil Munshi
...for opposite party nos.2&3

This application under Article 227 of the Constitution of India is at the instance of the applicant under Order 1 Rule 10(2) of the Code of Civil Procedure and is directed against an order dated 10th September, 2026 passed by the learned Civil Judge (Senior Division), 4th Court, Alipore, South 24 Parganas in Title Suit No. 1293 of 2026.

By the order impugned, a date was fixed for hearing of the injunction application and the receiver application, both filed by the plaintiff/opposite party no.1.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that in the meantime, the application for injunction as well as receiver application has been disposed of by the learned trial judge by an order dated 14th September, 2026. He submits that the instant civil revision application was filed seeking a direction upon the learned trial judge to hear out the application under Order 1 Rule 10(2) of the Code of Civil Procedure prior to the hearing of the injunction application and the receiver application. He further submits that since in the meantime, the injunction application and the receiver application have been disposed of, liberty be given to the petitioner to challenge the said orders in accordance with law.

Mr. Thakker, learned senior counsel appearing for the opposite party nos. 2 and 3, submits that the petitioner has not yet been added as a party in the suit. He submits that whether the petitioner has any right to challenge the order of injunction and the order passed on the receiver application has to be decided by the appropriate court at the appropriate stage and cannot be decided at this stage.

This civil revision application stands disposed of by leaving the petitioner free to take appropriate steps in accordance with law before the appropriate forum.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)