

17.09.2021
Item No.4
Ct. No.7
CHC
(Disposed of)

**C.O.1205 of 2020
IA NO: CAN/1/2020
(Physical Hearing)**

**Smt. Tapasi Singha Roy
Vs.
Shri Rajendra Prasad Singha Roy & ors.**

Mr. Debjit Mukherjee,
Mrs. Susmita Chatterjee,
Mr. K. Bhattacharya
...for the petitioner

Mr. Anujit Mukherji
...for the opposite party nos.7, 8, 9,
13, 14 and 15

Affidavit-of-service furnished by the petitioner be taken on record.

The order refusing ad interim injunction passed in Misc.Appeal no.11 of 2020, by learned Civil Judge (Senior Division), Chandernagore, Hooghly, is the subject of challenge in this revisional application.

Mr. Debjit Mukherjee, learned advocate representing the petitioner/plaintiff submits that in the relevant suit being T.S.104 of 2020 of learned Civil Judge (Junior Division), 2nd Court, Chandernagore, Hooghly, ad interim order of injunction was refused. Against the refusal of the ad interim order of injunction, petitioner preferred an appeal being Misc.Appeal No.11 of 2020. In the said

Miscellaneous Appeal by the order impugned, the prayer for ad interim injunction has been rejected. Against the rejection of the prayer for ad interim order of injunction in Miscellaneous Appeal the instant revisional application has been filed, wherein petitioner has been granted interim order on 21st September, 2020, directing both the parties to maintain *status quo*.

Mr. Mukherjee, candidly submits that instant revisional application may be instantly disposed of directing the lower appellate court to dispose of the pending Misc.Appeal within a time framed with a further direction upon both the parties to maintain *status quo* in respect of the suit property till the decision of the Miscellaneous Appeal.

Mr. Anujit Mukherji, learned advocate representing the opposite parties submits that with regard to the disposal of this instant revisional application, he has no objection as the submission advanced by Mr. Debjit Mukherjee will not cause any prejudice to either of the parties involved in this case.

Though the matter is appearing under the heading “To Be Mentioned” but upon hearing both sides, the Court is of the view that instant revisional application may be disposed of right now giving the direction mentioned hereinbelow.

Learned Civil Judge (Senior Division), Chandernagore, Hooghly, in connection with Misc.Appeal No.11 of 2020, is directed to dispose of the pending Miscellaneous Appeal within March, 2022 providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable. Till such decision of the Miscellaneous Appeal is vest, both parties are directed to maintain *status quo* in respect of nature, character and possession of the suit property till the disposal of the Miscellaneous Appeal is reached.

Opposite parties are directed to file written objection against the prayer for ad interim injunction filed in connection with pending Miscellaneous Appeal, if not the same is filed in the meantime.

With this direction/observation, the instant revisional application stands disposed of. The application being C.A.N.1 of 2020 is also stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)