

09.02.2022
Item No.6 & 7
Ct. No.7
CHC

**C.O.1479 of 2021
IA NO: CAN/1/2021
(Via Video Conference)**

**Dimpal Properties Pvt. Limited
Vs.
Ramakrishna Vivekananda Mission**

Mr. Kishore Dutta, Ld. Senior Advocate
Mr. Vivekananda Bose,
Mr. Jaydeb Ghorai,
Mr. Diptesh Ghorai
...for the applicant in CAN/1/2021

Mr. Jishnu Chowdhury,
Mr. Satadeep Bhattacharyya,
Mr. Saptarshi Datta
..for the respondent

with

**C.O.1488 of 2021
IA NO: CAN/1/2021
(Via Video Conference)**

**Dimpal Properties Pvt. Limited
Vs.
Ramakrishna Vivekananda Mission**

Mr. Kishore Dutta, Ld. Senior Advocate
Mr. Vivekananda Bose,
Mr. Diptesh Ghorai
...for the applicant in CAN/1/2021

Mr. Jishnu Chowdhury,
Mr. Satadeep Bhattacharyya,
Mr. Saptarshi Datta
..for the respondent

The application being CAN/1/2021 is virtually for
clarification of the order passed on 8th September,

2021, while disposing of C.O.1479 of 2021 with C.O.1488 of 2021.

Mr. Datt, learned Senior Advocate submits that the order dated 8th September, 2021, has invited some confusion, and that should be clarified.

Mr. Jishnu Chowdhury, learned advocate appearing for the respondent/opposite party submits that entire subject-matter of address is relatable to the non-filing of the written statement and consequent posting of the matter for *ex parte* hearing.

The petitioner (Dimpal Properties Pvt. Limited) felt aggrieved and accordingly challenged two orders dated 18th November, 2020 and 14th July, 2021, passed in Title Suit No.94 of 2017 of learned Civil Judge (Junior Division), 2nd Court, Barrackpore.

Upon perusal of the impugned order dated 18th November, 2020, it appears that there are two aspects; one dealing with written statement and another dealing with injunction application, which by a common order dated 18th November, 2020, both the matters were disposed of. The injunction order appears to have been made absolute by the order dated 18th November, 2020.

Upon considering the text of the order, contained in order dated 8th September, 2021, it appears that in view of submission disclosed by both the parties to

this case, the only point of address was relatable to written statement and it has got nothing to do with the injunction application, which has already been made absolute by the trial court.

It is, thus clarified that the injunction order passed by the trial court will remain as it is without any interference by this Court since, it was not challenged before this Court.

With this clarification, both the CAN applications stand disposed of.

Other portion of the order dated 8th September, 2021, will, however, remain unchanged.

Both parties are directed to make necessary communication before the court below.

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

(Subhasis Dasgupta, J.)