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Ct. 18
03.12.2021

**C.O. No. 1612 of 2021
(Via Video Conference)
Bappa Chandra
Vs.
Sudip Halder & Ors.**

Mr. Tanmoy Mukherjee,
Mr. Amal Kr. Saha,
Mr. Samik Das,
Mr. K. Raihen Ahmed,
Mr. Rudranil Das,
Mr. Iresh Paul ... For the petitioner.

Mr. Neil Basu ... For the O.P. Nos. 1 & 2.

Affidavit-of-service filed on behalf of the petitioner
in Court today be kept with the record.

The plaintiff of Title Suit No. 847 of 2021 pending
before the 5th Court of learned Civil Judge, (Junior
Division) at Alipore, District – 24 Parganas (South), is
the petitioner of the present application under Article
227 of the Constitution of India.

The petitioner in the said suit is seeking, inter alia,
a decree of declaration of his tenancy right over the
suit property. The prayer of the petitioner for an ad
interim order of injunction on an application filed by
him under Order XXXIX Rules 1 and 2 of the Code of
Civil Procedure was refused by the learned Trial Judge
vide Order No. 03 dated July 29, 2021.

The petitioner aggrieved by the said order has
preferred the connected Miscellaneous Appeal No. 157
of 2021 before the learned District Judge at Alipore,
District – 24 Parganas (South).

The learned District Judge by the order impugned being order dated August 21, 2021 has refused to pass an ad interim order of injunction on an application filed by the petitioner in the said appeal.

The scope of a Miscellaneous Appeal is very limited more so, the ad interim prayer of the petitioner was refused in the month of August 2021, this Court under such circumstances feels that justice would be sub-served if the said Miscellaneous Appeal is directed to be disposed of expeditiously.

Mr. Neil Basu, learned advocate appears on behalf of the opposite party nos. 1 and 2 herein, the respondent nos. 1 and 2 of the said appeal. He submits that his clients shall file written objection to the said application for injunction within a period of two weeks from date.

The petitioner is at liberty to file reply/re-joinder to the said written objection within a week from the date of receipt of the copy of such written objection.

The appeal Court below is requested to dispose of the said application for injunction within one available effective working month of the said Court from the date already fixed for hearing of the said appeal.

C.O. 1612 of 2021 is disposed of with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to

compliance with all requisite formalities.

(Biswajit Basu, J.)