

(59)
23.09.2021
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

(Via Video Conference)

CO No. 1685 of 2021

**Sk. Haidar Ali & ors.
-versus-
Sk. Abdus Selim & ors.**

Mr. Tarak Nath Halder,
... for the petitioners.

The petitioners are the respondent nos. 2, 3 and 4 of the connected Misc. Appeal No. 28 of 2021 pending before the learned District Judge, District-Purba Bardhaman.

The plaintiffs/opposite party nos. 1 to 6 have filed the connected suit for declaration, partition and injunction being Title Suit No. 318 of 2021 pending before the 4th Court of learned Civil Judge (Junior Division), District- Purba Bardhaman.

The learned Trial Judge in the said suit refused to consider the prayer of the plaintiffs for an ad interim order of injunction without hearing the caveators.

The plaintiffs being aggrieved by the said order of the learned Trial Judge have preferred the connected misc. appeal.

The appeal Court below by the order impugned has granted an ad interim order of injunction.

Mr. Tarak Nath Halder, learned advocate appearing on behalf of the petitioners, sought to impeach the said order on the ground that the appeal Court below has acted with material irregularity in granting an ad-interim order of injunction after directing the respondents to show cause.

This Court does not find any irregularity in adopting the said procedure, the order impugned, therefore, does not call for any interference.

However, the appeal Court below is requested to expedite the disposal of the said misc. appeal in accordance with law.

Mr. Halder submits that the said order of ad-interim injunction is operative against his clients only, as such, service of notice of the said appeal may be directed to be dispensed with against the rest of the respondents of the said appeal.

The petitioners are at liberty to approach the learned Trial Judge for such direction, who may consider said prayer of the petitioners in accordance with law, if so approached.

C.O. 1685 of 2021 is thus disposed of without any order as to costs.

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

(Biswajit Basu, J.)