

24.11.2021
(S/L-22)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1849 of 2021

Ramkrishna Vivekananda Mission
-Vs-
M/s. Dimpal Properties Private Limited

Mr. Rabindra Narayan Dutta,
Mr. Sibashis Ghosh,
Mr. Jaydeb Garai,
Mr. Saugata Banerjee,
.... For the Petitioner.

Mr. Jishnu Chowdhury,
Mr. Satadeep Bhattacharya,
Mr. Saptarshi Datta,
... For the Opposite Party.

As directed by the order dated November 09, 2021, Mr. Rabindra Narayan Dutta, learned advocate for the petitioner, files certified copy of the order of the learned Trial Judge, which is taken on record.

The defendant in a suit for declaration of title and injunction is the petitioner of the present revisional application under Article 227 of the Constitution of India which is directed against order no. 6 dated September 23, 2021 passed in Misc. Appeal No. 63 of 2021 arising out of the order dated March 23, 2021 passed by the 3rd Court of Learned Civil Judge(Senior Division), Barasat in Title Suit No. 1321 of 2015.

The Appeal Court below by the order impugned has allowed the prayer of

plaintiff/appellant, the opposite party herein, for an ad-interim order of injunction until further orders.

Grant of an ad-interim order of injunction for an indefinite period offends the settled position of law.

The order impugned is set aside on the said ground alone.

However, the plaintiff/appellant is at liberty to renew his prayer for an ad-interim order on the application for injunction already filed in the said appeal.

The learned Trial Judge is requested to consider and dispose of the prayer of the plaintiff/appellant for ad-interim order of injunction in accordance with law within two weeks from the date of the prayer for such an order being made. Needless to say, that the defendant/respondent since has already entered appearance in the said appeal shall be entitled to object to the said prayer of the plaintiff/appellant.

After disposal of the prayer of the plaintiff/appellant for the said ad-interim order of injunction, the learned Trial Judge shall dispose of the appeal and the application for injunction thereto expeditiously in accordance with law, preferably within a period of one month

from the date of disposal of the prayer of the appellant for the said ad-interim order of injunction.

The parties are directed to exchange their affidavits on the said application for injunction immediately.

C.O. 1849 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.)