

04.01.2021
Court No. 19
Item No. 26
CP

C.O. 1659 of 2020

Jahanara Begam
vs.
Sahida Begam

Mr. Asok Kumar Bhattacharyya
Mr. Rudra Prasad Sinha
Ms. Aparupa Bhattacharya

....for the petitioner.

Mr. Y. Mondal

....for the opposite party.

This is an application filed by the plaintiff in P.S. Case no. 217 of 2014, pending before the learned Civil Judge (Senior Division), Kandi, Murshidabad.

The petitioner prays for implementation of the order of ad-interim injunction dated February 18, 2017. It appears that after considering the balance of convenience and inconvenience, the prima facie case and the irreparable loss and injury, the learned court below granted an order of status quo with regard to the nature, character and possession of the suit property till the disposal of the suit. Accordingly, the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure was disposed of. Later on, the petitioner also prayed for appointment of an advocate commissioner in order to hold an inspection of the suit property. The application was also allowed. It

appears that there is a report in place filed by the advocate commissioner.

The petitioner submits that despite an order of status quo, the defendant has been continuously violating the order of status quo. The petitioner prays that a further order of status quo be granted by this court by invocation of power under Article 227 of the Constitution of India.

Such prayer of the petitioner/plaintiff is not accepted. Civil Procedure Code provides for remedies under Order 39 Rule 2A as also Section 151 and Section 36 thereof, for appropriate orders and reliefs in case an order of injunction passed by the civil court is violated by any party.

The petitioner is always at liberty to approach the appropriate court for relief.

It goes without saying that sincere attempt should be made by the learned court below to expedite the hearing of the suit.

The revisional application is dismissed. There shall be no order as to costs.

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

(Shampa Sarkar, J.)