

24.08.2022
Item No.552ML
Ct. No.7
CHC
(disposed of)

C.O.623 of 2022

**Smt. Mala Pramanick
Vs.
Sri Sujit Pramanick**

Mr. Tapash Kumar Bhattacharya,
Mr. Aviroop Bhattacharya,
Mr. Bishnu Prosad Singha Roy
...for the petitioner

The order passed in Misc. Appeal No.220 of 2021 by learned District Judge, at Alipore, South 24 Parganas, declining to grant any ad interim order of injunction is under challenge in this case.

Admittedly, the court below refused to grant any ad interim order of injunction. An appeal was then carried, referred hereinabove, challenging the order refusing to grant ad interim order of injunction.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the appellate court has not gone into the facts and circumstances presented and pressed, and mechanically rejected the prayer for ad interim injunction simply upon dissatisfying with the urgency disclosed.

It is thus contended by Mr. Bhattacharya that while refusing the prayer for ad interim injunction, the principles of granting injunction could not be considered, apart from consideration of the urgency, as available under Order 39 Rule 3 proviso C.P.C.

As per submission disclosed, the Misc. Appeal is kept pending before the learned District Judge, Alipore.

When the appeal is pending, this Court should not interfere with this matter.

The revisional application is disposed of directing the court below to dispose of the pending appeal expeditiously as possible, preferably within December, 2022 from the date of communication of this order.

Petitioner is at liberty to raise all points available within the peripheries of Misc. Appeal, as against the order refusing ad interim injunction.

With this observation/direction, the revisional application stands disposed of.

Petitioner is directed to make communication of this order to the learned court below as well as to the opposite party and his learned advocate in the court below.

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

(Subhasis Dasgupta, J.)