

13.04.2022
Item No.26
Ct. No.7
CHC
(disposed of)

**C.O.811 of 2022
(Physical Hearing)**

**Partha Pratim Mondal
Vs.
M/s. Rohra Developers Pvt. Ltd. & anr.**

Mr. Saptansu Basu, Sr. Advocate
Mr. Arup Nath Bhattacharyya,
Ms. Mrinalini Majumdar,
Ms. Sreetama Biswas
...for the petitioner

Mr. Debasish Ghosh,
Mr. Subit Majumdar,
Mr. Santanu Singha
...for the opposite party nos.1 & 2

Affidavit-of-service furnished by the petitioner be taken on record.

Petitioner assails the order dated 21st March, 2022, passed by learned Civil Judge (Junior Division), 1st Court, at Barasat, in Title Suit No.83 of 2017, posting the petition filed by the petitioner on 02.05.2022.

Mr. Basu, learned Senior Advocate appearing for the petitioner submits that the ongoing construction allegedly conducted over the suit property could be stopped after much persuasion even after intervention of the order passed in writ court of this Court.

The interim injunction already granted in this case, according to Mr. Basu has been vacated for want of

any necessary application being filed by the petitioner/plaintiff.

It is also submitted by Mr. Basu that after knowing the fact that ad interim order of injunction has been vacated, learned advocate for the petitioner/plaintiff took an application on 21st March, 2022, for recalling the order admitting his own mistakes, committed by himself. The date fixed by the learned court below is submitted to be posted giving a long date, and it should have been posted giving short date in view of the urgency of the circumstances.

It is also contended that in the absence of the interim injunction, there is a chance of resuming the construction, and the entire effort already put by the petitioner may be frustrated.

At the onset learned advocate appearing for the opposite parties denies the allegations raised against the defendants/opposite parties, and submits that the court has rightly vacated the injunction order in the absence of any necessary application being filed over there.

Petitioner is aggrieved with the posting of the matter with long date. That being the only subject of contention, the revisional application may be disposed of giving liberty to petitioner to file an application within a week from hence for preponing the date, and if any such application is filed, the same may be

disposed of in accordance with law, bearing in mind the urgency of the circumstances, as raised in this case. This order is passed without prejudice to the rights and contentions of the parties.

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

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.)