

13.06.2022
(D/L-18)
Ct.-18
(Susanta)

C.O. 1074 of 2018

Sukanta Sana
-Vs-
Ranjit Maity & Ors.
Mr. Sibasish Ghosh,
Mr. Goutam Banerjee,
.... For the Petitioner.

Affidavit-of-service files in Court today be kept with the record.

None appears on behalf of the opposite parties in spite of service.

The defendant in a suit for declaration of title and injunction being Title Suit No.57 of 2012 pending before the 2nd Court of learned Civil Judge (Junior Division), Chandernagore, District-Hooghly is the petitioner of the present application under Article 227 of the Constitution of India.

The plaintiffs/opposite parties praying an order of temporary injunction in the said suit filed an application under Order-XXXIX, Rules 1 and 2 of the Code of Civil Procedure.

The learned trial Judge by the order dated November 24, 2017 dismissed the said application, aggrieved thereby the plaintiffs/opposite parties preferred the Miscellaneous Appeal No. 26 of 2013.

The Additional District Judge, Chandernagore, District- Hooghly, by the order impugned herein being order dated November 24, 2017 has disposed of the said appeal by directing the parties to maintain status quo with regard to the nature, character and

possession of the suit property till the disposal of the suit.

Mr. Ghosh, learned Counsel appearing on behalf of the petitioner submits that the suit is barred by the principle of res judicata as such the Appeal Court below should not have granted an order of injunction in aid of the said suit.

The petitioner is claiming to be in possession of the suit property on the strength of purchase from the lawful owner as such the order of injunction passed by the Appeal Court below is not prejudicial to the petitioner.

Mr. Ghosh submits that the suit has reached the stage of peremptory hearing.

This Court in view of the stage of the suit is not inclined to interfere with the order impugned.

C.O. 1074 of 2018 is thus disposed of with the request to the Learned Trial Judge to dispose of the suit as expeditiously as possible preferably within a period of four available effective working months of his Court without being influenced by any of the observations of the Appeal Court below.

Parties are not entitled to seek unnecessary adjournment. There shall be no 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.)