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C.O. 976 of 2022

**Subal Arakushi & Ors
Vs
Julfikar Mondal**

Mr. Asit Kumar Bhattacharya, ... for the petitioners.

The subject matter of challenge in this revisional application is against the order dated 15th March, 2022 by learned Civil Judge (Junior Division), 2nd Court, Basirhat granting police help in aid of an application under Section 151 of the Code of Civil Procedure for the implementation of an order granting ad interim order of injunction.

Learned advocate appearing for the petitioners submits that disputing with the ad interim order of injunction, the petitioners have already filed objection against the injunction application, disclosing their possession with respect to the suit property, and filed another application for stay of the suit.

It is also submitted that till date, the injunction application has not yet been disposed of by the Court below.

As per submission disclosed by the learned advocate for the petitioners, the suit property is alleged to be in the possession of the petitioners/defendants.

The dispute, thus surfaced, is as against the possession of suit property.

Since injunction application under Order 39 Rules 1 and 2 has not yet been finally decided, the instant revisional application may be disposed of directing the Court below to dispose of the temporary injunction application expeditiously, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable.

Liberty is given to the petitioners to raise the point, now raises pertaining to his alleged possession of the suit property, at the time of hearing of the injunction application in terms of the objection, if any already filed.

Petitioners are directed to make communication of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite party and the opposite party.

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

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)

