

18.11.2022
ss

C.O. 2579 of 2022

Sri Bhim Bera & anr.
Vs.
Sri Saktipada Pal & ors.

Mr. Krishna Das Poddar
Mr. Sujit Bhunia
... for the petitioners

Mr. Pradip Paul
Mr. Gourab Ghosh
... for the opposite parties

Learned Advocate for the petitioners and the
learned Advocate for the opposite parties are present.

Heard learned Advocates for both the parties.

In the instant matter, the petitioners/defendants
being aggrieved by the order of the lower Appellate Court
of passing an *ad interim* order of injunction, have come
up with the present revisional application.

It is the contention of the petitioners that when the
learned Trial Court on contest has rejected the prayer for
injunction filed by the plaintiffs/opposite parties, the
learned Appellate Court ought not to have passed *ad
interim* order of injunction.

Upon considering the nature of the suit, the
materials on record and the order passed by both the trial
court and the appellate court, this Court is of the view
that as the appeal filed by the opposite parties is not
disposed of by the appellate court, it would be fit and

proper to remit the matter to the learned Appellate Court for considering and disposing of the appeal after giving the parties an opportunity of being heard.

Thus, this revisional application is disposed of by remitting the matter to the court of the learned District Judge, Paschim Medinipur to consider the Misc. Appeal No.71 of 2022 and dispose of the same by giving an opportunity of hearing to both the parties.

Considering the facts of the case and the nature of the disputes, both parties are directed to maintain *status quo* of the suit property during pendency of the appeal being Misc. Appeal No.71 of 2022.

Learned District Judge, Paschim Medinipur shall proceed to dispose of the appeal without being influenced by any of the observations made by this Court as this Court has not entered into the merits of the said case.

The order of the learned Appellate Court dated 27.6.2022 is modified to the above extent.

Learned District Judge, Paschim Medinipur is requested to hear out the Misc. Appeal being No.71 of 2022 expeditiously.

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

(Biswaroop Chowdhury, J.)