

21.09.2022
Item No.31
Ct. No.7
CHC
(disposed of)

C.O.2867 of 2022

Rupam Das & anr.
Vs.
Sri Bipul Roy & ors.

Mr. Mahendra Prasad Gupta,
Mr. Chandan Mondal,
Ms. Antara Panja,
Ms. Supriya Mahajan
...for the petitioners

The subject-matter of challenge in this case is against the order dated 31st August, 2022, passed by learned Civil Judge (Junior Division), 3rd Court, Serampore, Hooghly, in Title Suit No.367 of 2018, directing the petitioners/defendants to produce certain documents as disclosed in the impugned order with a default clause, that for failure of production of the documents, there may be injunction granted.

Mr. Mahendra Prasad Gupta, learned advocate appearing for the petitioners submits that the instant suit is not maintainable in view of the provisions mentioned in the Companies Act.

It is thus submitted that there cannot be any direction upon the petitioners/defendants to produce the documents failing which there may be injunction granted.

As per submission disclosed by the petitioners, injunction application has not yet been disposed of. Apart from this, there is an application filed by the petitioners under Order 7 Rule 11 C.P.C.

Since injunction application is pending before the court below in connection with which petitioners were directed to produce certain documents, this Court should not interfere with the impugned order.

The revisional application be disposed of directing the court below to take up injunction application in accordance with the provisions of law, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

All points raised in this case are kept open, and permitted to be agitated before the court below at the time of hearing of injunction application.

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

With this observation/direction, 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.)