

25.07.2022
Item No.11
Court No.18
AJ.

C.O. 3658 of 2018

Smt. Shankari Mondal & Ors.

-Vs-

Sri Ujjal Polley & Ors.

Mr. Nilanjan Bhattacharjee,
Mr. Arpan Guha.
.....for the petitioners.

Mr. Bhagbat Chaudhuri,
Sk. Toslim Ali.
.....for the opposite party no.1.

Affidavit-of-service filed on behalf of the
petitioners be kept with the record.

The petitioners are the added defendants of
the Title Suit No. 20 of 2017 pending before the
learned Civil Judge (Junior Division) at Amta,
District. Howrah.

The suit was initially filed against the opposite
party nos. 2 and 3 and by an ad-interim order of
injunction dated March 01, 2017, they were
restrained from disturbing the peaceful possession
of the plaintiff till March 30, 2017. The said ad-
interim order of injunction was subsequently
extended time to time.

The learned Trial Judge by the order dated
February 01, 2018 allowed the plaintiff's application
for implementation of the said ad-interim order of
injunction by police assistance.

The petitioners subsequently filed an application for their addition in the suit as defendants along with an application for recalling of the said order dated February 01, 2018.

The learned Trial Judge by the first part of the order impugned being Order No. 15 dated July 26, 2018 has allowed the said application for addition of the petitioners in the suit but by the next part of the said order has dismissed the application filed by the petitioner for recalling of the order dated February 01, 2018, the petitioners are aggrieved by the said part of the said order.

Mr. Chowdhuri, learned advocate for the plaintiff/opposite party no.1 submits that during the pendency of the revisional application, the application for injunction has been disposed of by directing the parties to the suit to maintain status quo in respect of the nature, character and possession of the suit property.

The ad-interim order of injunction since has been varied by the final order of injunction, the order directing police assistance for implementation of it cannot survive accordingly, the part of the Order No. 15 dated July 26, 2018 whereby the application of the petitioners for recalling of the order dated February 01, 2018 has been dismissed is set aside and the said application is allowed, in

consequence the order dated February 01, 2018 is recalled.

The revisional application is disposed of with the above terms without any 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.)