

23.11.2022
Item No.34
Ct. No.7
CHC
(disposed of)

C.O.3083 of 2022

**Dulun Sk. & anr.
Vs.
Md. Serman Sk. & ors.**

Mr. Siddhartha Sarkar,
Mr. Akash Ghosh
...for the petitioners

Mr. Siddhartha Sarkar, learned advocate appearing for the petitioners, while assailing the impugned order dated 8th June, 2022, passed by learned Civil Judge (Junior Division), 2nd Court, Kandi, in Title Suit No.192 of 2017, submits that the pending litigation is a product of conflict between C.S. R.O.R and R.S. R.O.R. The basis of claim of title of the plaintiffs arises from R.S. R.O.R., while foundation of the claim of the defendants originates from R.S.R.O.R.

It is contended by the petitioners that unless such point is gone into by the court below, there cannot be any order of injunction, and more so, for the implementation thereof.

Upon perusal of the impugned order together with the submission disclosed by the petitioners, it appears that the injunction order was granted by the court below on 5th December, 2017, which remained uninterfered with in C.O.1309 of 2018.

The impugned order directing Kandi Police Station to remain vigilant, upon visiting the suit property, so that there may be compliance ensured in respect of the injunction order granted by the court below on 5th December, 2017, does not call for any interference.

The pending suit however, may be expedited. The conflict between the C.S.R.O.R. and R.S.R.O.R., if there be any at all, may be best decided upon adducing evidence, which is only possible during trial.

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

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.

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.)