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AGM 2022
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C.O. 3144 of 2022

**Md. Salauddin & Ors
Vs
Shamsher Ali & Ors**

Mr. Aniruddha Chatterjee,
Mr. Avirup Chatterjee,

... For the petitioners.

Mr. Aniruddha Chatterjee, learned advocate appearing for the petitioners, while assailing the order dated 8th September, 2022 passed by the learned Chairman, Waqf Tribunal, West Bengal in Suit No. 30 of 2021 submits that even after extensive hearing of application under Order 7 Rule 11 CPC filed by the petitioners, the same has not yet been disposed of, giving a long date for the decision to come.

Mr. Chatterjee further contends that the petitioners have been suffering ad interim injunction in connection with an application for injunction, wherein there has been specific schedule disclosed. Subsequently the opposite parties filed an application for amendment to change the schedule, already mentioned either in the plaint or in injunction application, with others.

The Court below has already posted the matter in February 2023 granting extension of ad interim order of injunction, one after another, on the prayer of the opposite parties. It is further contended by Mr. Chatterjee that when the Court below was cognizant

about the proposed schedule, to be incorporated by way of amendment, the prayer for extension of the interim order ought not to have been granted by the Court below in an endless manner, which is not permissible under the law.

Mr. Chatterjee proposes for stay of operation of the impugned order.

Upon perusal of the photocopy of the orders passed by the Waqf Tribunal, West Bengal, annexed with the instant revisional application, it appears that the next date for hearing of amendment application has been fixed on in the month of February, 2023.

In a situation like this, there is hardly any scope for making any further elaboration on the issue, as disclosed by the petitioners.

The revisional application be disposed of directing the Waqf Tribunal, West Bengal to hear out the application under Order 7 Rule 11 of C.P.C expeditiously as possible, preferably within 2nd week after Puja Vacation of the Court below, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable.

While endeavouring such exercise, if any application for extension of interim order is filed, the same may be considered in accordance with law, upon

viewing the proposed schedule of amendment, disclosed in the pending amendment petition.

This would not, however, prevent the petitioners to file any application under Order 39 Rule 4 of C.P.C. for vacating the ad interim order of injunction already granted by the Trial Court. In the meantime, if any such application is filed, that may be considered together with the petition, proposing for extension of the interim order, and both the applications may be disposed of in accordance with law.

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 parties and the opposite parties.

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)