

19.07.2022
(I. No-11)
Ct.-18
(P.Jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 4102 of 2019

Sonia Bansal
-Vs-
Chandra Kant Arora & Ors.

Mr. Siddhartha Banerjee,
Ms. Soni Ojha,
Mr. Sambrita B. Chatterjee,
.... For the Petitioner.

Mr. Sumanta Biswas,
Mr. Bikash Shau,
... For the Opposite Parties.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant no. 1 in the suit for declaration being Title Suit No. 186 of 2018 pending before the learned Civil Judge (Junior Division), Bidhannagar, District : 24 Parganas (North).

The prayer of the plaintiffs/opposite parties for an ad-interim order of injunction was refused by the learned Trial Judge vide order dated July 02, 2018, the plaintiffs aggrieved thereby preferred the connected appeal being Misc. Appeal No. 72 of 2018.

The 7th Court of learned Additional District Judge, Barasat by the order impugned dated September 18, 2019 has disposed of the said appeal by directing the opposite parties to maintain status quo in respect of possession, nature and character of the suit Schedule 'B' property and also restrain the parties from creating any third party interest in

respect of the said property till the disposal of the suit.

The connected misc. appeal was against an order of the learned Trial Judge refusing to pass an ad-interim order of injunction. The propriety of the said order was under consideration in the said appeal and the scope of appeal is restricted only to the said extent, as such the Appeal Court below has transgressed the scope of the said appeal in passing an order of injunction till the disposal of the suit thereby has rendered the application for injunction pending before the learned Trial Judge infructuous.

The order impugned for the aforesaid reason is not sustainable and is accordingly set aside.

C.O. 4102 of 2019 is disposed of by requesting the learned Trial Judge to decide the application for injunction filed by the plaintiffs/opposite parties in accordance with law as expeditiously as possible, without being influenced by any of the observations of the appeal Court below recorded in the order impugned.

The petitioner in contesting the said application for injunction is entitled to take all objections available to her under the law including the objection as to the maintainability of the suit.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)