

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Appellate Side**

09.06.2022

Item no. **11**

Dd

CO 25 of 2022

**Smt. Parbati Paul & Anr.
Vs.
Sri Avash Poddar**

*Mr. Kunaljit Bhattacharjee,
Mr. Biswajit Mitra, Advocates
... .. For the Petitioners/defendants*

*Mr. Sunil Kr. Sarkar
Ms. Smita Sinha (Mitra), Advocates
... ..For the opposite party/plaintiff*

The revisional application is directed against the judgment and order dated February 15, 2022 passed by the learned Additional District Judge at Tufanganj, Cooch Behar in Misc. Appeal No. 1 of 2021. The Misc. Appeal was at the behest of the plaintiff against the judgment and order dated March 3, 2021 passed in Title Suit no. 6 of 2021 by the learned Civil Judge, Jr. Division at Tufanganj against a refusal to pass an order of ad interim injunction. By the impugned judgment and order the appeal Court was pleased to allow the Misc. appeal, set aside the order date March 3, 2021 and pass an ad interim order of injunction from dispossessing the plaintiff from the suit property without the due process of law.

Learned Advocate for the revisional applicants/defendants submits that the revisional applicants/ defendants filed written statement. The suit is at the stage of framing of issues. He invites the Court to direct the learned Trial Judge to dispose of the injunction petition expeditiously.

Opposite party/plaintiff is represented.

The application for injunction is yet to be disposed of finally. In the circumstances, ends of justice would be subserved by requesting the learned Trial Judge to dispose of the application for injunction finally, preferably within August 31, 2022. The Court is informed that the written revisional applicants/defendants filed written objection to the application of injunction.

In the circumstances, ad interim order of injunction which was granted by the impugned order will continue till August 31, 2022 or till disposal of the application for injunction by the learned Trial Judge whichever is earlier. However, should the application for injunction be not disposed of within August 31, 2022 of any reason, the Trial Judge is at liberty to extend the same for limited period of time.

With the aforesaid observations, CO 25 of 2022 is disposed of.

It is clarified that none of the parties to the proceeding will be prejudiced by any of the observations made herein.

(Debangsu Basak, J.)