

2.3.2023
4
Ct. no. 652
sb

CO 295 of 2021

Newton Das
Vs.
M/s. Anima Enterprise & Ors.

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Mr. Abhirup Halder
Mr. Anirban Saha Roy
Mr. Lal Ratan Mondal ...for the petitioner

Mr. Mahendra Prasad Gupta
Ms. Antara Panja
Mr. Supriya Mahajan for the Opposite parties

Being aggrieved by the order No. 5 dated 25.9.2019 passed by the learned Additional District Judge, Fast Track Court-IV, Barrackpore, North 24 parganas in Misc. Appeal no. 49 of 2019, the present revisional application under Article 227 of the Constitution of India has been preferred.

By the impugned order, the court below was pleased to pass an ad-interim order directing both the parties to maintain status quo in respect of 'A' schedule property of the memorandum of injunction petition initially till 7.11.2019, but subsequently extended from time to time.

The petitioner contended that the plaintiff/opposite party no. 1 had filed aforesaid suit for declaration, cancellation of deed and for permanent and mandatory

injunction. In the said suit, plaintiff/opposite party no. 1 also filed an application under order XXXIX Rule 1 and 2 of the Code of Civil Procedure seeking temporary injunction and also prayed for an ad-interim order of injunction. However, the learned trial court after hearing, plaintiff/opposite party no. 1 was pleased to refuse to grant any ad-interim order of injunction.

Being aggrieved by the said order of rejection of ad-interim order of injunction, the plaintiff/opposite party no. 1 preferred the present Misc. appeal. Learned 1st appellate court, after admission of Misc. appeal granted an ad-interim order of status quo by the impugned order. The petitioner submits that the petitioner is in possession of the suit property and the ad-interim order of injunction granted in favour of the plaintiff/opposite party no. 1, has caused great hardship to the plaintiff/opposite party no. 1.

Learned counsel for the opposite parties submits that the impugned order passed by the learned court below is ad-interim in nature and it was passed long back on 25.9.2019 and since then, the opposite parties are seeking time in the court below and the Misc. appeal has not yet been disposed of and accordingly, a direction may be given to the court below for expeditious disposal of the Misc. appeal.

Having considered the facts and circumstances of the case and the nature of relief sought for by the parties

and that the order passed by the court below was ad-interim in nature and also considering the age of Misc. appeal, C.O. 295 of 2021 is disposed of with a direction upon the learned Additional District Judge, Fast Track Court-IV, Barrackpore, North 24 parganas to dispose of the aforesaid Misc. appeal being No. 49 of 2019 within a period not later than eight weeks from the date of communication of the order. I make it clear that I have not gone into the merits of the case and the court below will dispose of the Misc. appeal without being influenced by any observations made herein.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)