

20.06.2023
Sl. No.5(DL)
srm

C.O. No. 613 of 2023

With

CAN 1 of 2023

**The President, Sohini Centre of
Human Insight and National Integration**

Versus

Sri Sujit Adhikary & Ors.

Mr. Dyutimoy Paul

...for the Petitioner.

Mr. Arnab Roy,
Mrs. Sayani Ahmed

...for the Opposite Party No.1.

Mr. Sankha Subhra Ray

...for the Opposite Party No.3.

The Court does not find any reason to interfere with the order impugned in view of the fact that no order of restoration of possession of the plaintiff was passed by the learned court below. The petitioner is apprehensive that on the basis of the order dated January 9, 2023 passed in Title Suit No.128 of 2020 by the learned Civil Judge (Junior Division), 2nd Court at Barrackpore, North 24-Parganas, with the help of the police, the plaintiff will take forcible possession of the property which is actually in the possession of the defendants.

Mr. Roy, the learned Advocate appearing for the plaintiff/opposite party No.1 submits that an order of ad

interim injunction was passed and the learned court below found that the plaintiff had a, *prima facie*, case. Hence, unless the defendants were restrained from interfering with the possession of the plaintiff in the suit property, irreparable loss and injury would be caused.

The plaintiff filed an application under Section 151 of the Code of Civil Procedure on December 14, 2021 alleging that the defendants had dispossessed the plaintiff from the suit property illegally.

The prayer in the application under Section 151 of the Code of Civil Procedure was that Officer-in-Charge of Belgharia Police Station should be directed to implement the ad interim order of injunction dated June 22, 2020, passed in Title Suit No.128 of 2020. No prayer had been made for restoration of possession.

It appears that the ad interim order of injunction was also not extended. Hence, nothing survives in the revisional application and the apprehension of the defendant No.1 is not correct. The court directed the police authorities to ensure that the ad-interim order be implemented. No order for restoration of possession was filed. The said ad-interim order has also not been extended.

The pending application for injunction and the application filed under Order XXXIX Rule 4 of the Code of Civil Procedure, shall be heard on their own merits and be disposed of within a period of two months from the next date fixed.

The revisional application is, thus, disposed of.

CAN 1 of 2023 is an application filed by the petitioner for extension of the interim order passed by a co-ordinate Bench of this Court.

CAN 1 of 2023 is not available with the records. A photocopy of the said application is taken up and accepted as true copy of the original, by consent of the parties.

In view of disposal of the revisional application, the connected application being CAN 1 of 2023 has become infructuous and the same is disposed of accordingly.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)