

29.08.2023
Sl. No.15(DL)
srm

C.O. No. 699 of 2023

Aslam Sk. & Anr.

Versus

Nasima Sk. & Ors.

Mr. Oman Faruk Gazi,
Mr. Sumit Naskar

...for the Petitioners.

No useful purpose will be served by keeping the revisional application pending.

It appears that the petitioners filed the suit for declaration and injunction which is Title Suit No.1117 of 2022. The suit is pending before the learned Civil Judge (Junior Division), 6th Court at Alipore, South 24-Parganas. The petitioners obtained an order of ad interim injunction.

Such ad interim injunction was challenged by the defendants/opposite parties by filing Misc. Appeal No.285 of 2022 before the learned District Judge at Alipore. The misc. appeal was admitted and on the very same day, without service of notice upon the petitioners, the learned lower appellate court stayed the order of ad-interim injunction granted by the learned Civil Judge (Junior Division), 6th Court at Alipore, in Title Suit No.1117 of 2022.

This Court, *prima facie*, finds that the order of stay operated as allowing the main relief in the misc. appeal. However, as the next date of hearing of the application has been fixed on September 5, 2023, the revisional application is disposed of with a direction upon the petitioners to file their written objection to the said application and also to the misc. appeal within the said period. The learned Additional District Judge, 9th Court at Alipore, South 24-Parganas, is directed to dispose of the application for stay and misc. appeal within a month from the next date fixed, upon considering the objection of the petitioners.

This court has not expressed any opinion on the merits of the Misc appeal.

The revisional application is, thus, disposed of.

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.)