

Item No. 3
11.10.2023
Court. No. 19
GB

C.O. 1440 of 2023

Smt. Renu Grover & Anr.
Vs.
M/s. Winner Merchandise Pvt. Ltd. & Ors.

Mr. Sakya Sen,
Mr. Sabyasachi Sen

...for the Petitioners.

Mr. S.N. Mitra,
Mr. Debjit Mukherjee,
Mr. Anuj Singh,
Mr. Sankarsan Sarkar,
Mr. Arka Banerjee,
Mr. Vidya Bhusan Upadhyay

...for the Opposite Party No.4

The revisional application arises out of an order dated April 10, 2023 passed by the learned Additional Civil Judge (Junior Division), 3rd Court at Alipore in Title Suit No.170 of 2019.

By the order impugned, the learned court below held that the relief sought for by the plaintiffs/petitioners in the application under Section 151 of the Code of Civil Procedure, could not be extended. Further, the ad interim injunction would not be applicable against the defendant nos.4 and 5.

Mr. Mitra, learned senior advocate for the opposite party no.4 submits that the defendants have not violated the order of injunction and they are taking all precautionary measures for protection of the property in question. No damage or wastage has been caused to the property.

In my opinion, the conclusion arrived at by the learned court below is erroneous as the defendant nos.4 and 5 have stepped into the shoes of the original defendants upon

devolution of interest. They are bound by all orders in the proceeding. The order impugned is modified.

However, if further injunction is necessary in the opinion of the plaintiffs for protection of the property or for bringing on record further activities which are going on in the property, the plaintiffs are always at liberty to approach the learned court below for necessary orders upon filing a proper application and in accordance with law.

Accordingly, the revisional application is disposed of.

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

(Shampa Sarkar, J.)