

12.12.2023
Sl. No.28(DL)
srm

C.O. No. 1479 of 2023

**J.K. Advertising represented by its
proprietor Jogesh Kumar Shah**

Versus

Kalpita Chakraborty

Mr. Debashis Sinha,
Mr. Mohit Gupta,
Ms. Sharmistha Dhar,
Mr. Debdutta Raha

...for the Petitioner.

Mr. Santanu Chatterjee,
Mr. Soumyak Bhattacharyya,
Mr. Rajendra Kumar Nandi

...for the Opposite Party.

Considering the order impugned dated March 23, 2023,
it appears that the prayer for extension of the ad interim order
of status quo which was already passed in Misc. Appeal
No.111 of 2019, up to March 6, 2023, was refused by the
learned Civil Judge (Senior Division), 10th Court at Alipore,
South 24-Parganas.

The revisional application is entertained.

The petitioner filed Title Suit No.326 of 2019, for
declaration and permanent injunction. An application for
temporary injunction, restraining the defendants from
obstructing the men and agents of the plaintiff/petitioner from

accessing the staircase in order to change the hoardings and flex boards, was prayed for. The ad interim injunction was refused. Against which, the petitioner preferred Misc. Appeal No.111 of 2019. The misc. appeal was first heard by the learned District Judge at Alipore. An ad interim order was passed and the case records were transferred to the learned Additional District Judge, 10th Court at Alipore. The lower appellate court's order records that, on consent, an order of *status quo* was passed, up to March 6, 2023. The learned trial Judge was granted liberty to extend the interim order till the disposal of the application for temporary injunction. Accordingly, an application was filed by the petitioner praying for extension of the ad interim order, which was rejected without any reasons at all. The order is perverse and is thus set aside. The learned trial judge ought to have supplied reasons for not extending the order of status quo, already passed by the lower appellate court.

Under such circumstances, this Court is of the view that for the ends of justice, the revisional application should be disposed of, with a direction upon the learned trial Judge to dispose of the application for temporary injunction within a period of two months from date, on the basis of the server copy of this order.

The parties will be at liberty to file a put up petition upon service of copy, before the learned court below, to prepone the date of hearing of the injunction application. The learned court shall mandatorily dispose of the application for temporary injunction within the aforesaid period. The opposite party shall be entitled to file her objection within January 2, 2024.

Till the disposal of the application for temporary injunction, *status quo*, as already granted by the learned Additional District Judge, 10th Court at Alipore, shall continue.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)