

18.08.2023
Sl. No.19(DL)
srm

C.O. No. 2573 of 2023
Smt. Sulekha Baidya & Ors.
Versus
Smt. Rama Debnath

Mr. Amitabha Ghosh

...for the Petitioners.

This revisional application has been filed challenging an order dated July 19, 2023 passed by the learned Civil Judge (Junior Division), 1st Court at Barasat, North 24-Parganas, in Title Suit No.693 of 2023.

By the order impugned, the learned court below rejected the prayer of the petitioner for permission to move the application for ad interim injunction without serving the caveator.

Mr. Ghosh submits that the caveator is not a party to the suit. Hence, service of notice was not required.

This Court is of the view that the prayer for injunction is against the defendant, his men and agents. A person apprehending that a suit would be filed in respect of the property in which such person had substantial interest, lodged the caveat. He was not aware who would be a party to the suit. Hence, the learned court below, rightly rejected the application

and directed that in order to safeguard the interest of any person against whom an order may be passed, which was likely to cause irreparable loss and injury, must be served.

As a caveat has been lodged, service of notice upon the caveator would avoid multiplicity of proceedings.

This Court does not find any necessity to interfere with the order impugned.

The petitioner would be at liberty to serve the caveator and pray for expeditious hearing of the application for injunction. Unnecessary adjournments to the parties, shall not be given by the learned court, but parties should be given full opportunity to contest the proceedings.

The revisional application is, thus, dismissed.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)