

13.10.2023

Ct.No. 7

Sl.No.AD 39

Amalranjan

C.O. No. 3301 of 2023

Rafique Middya and Ors.

Vs.

Arif Ali Middya

Mr. Mahendra Prasad Gupta

Mr. Ayan Mitra

Mr. A Panja

Mr. S Singh

...for the petitioners

Mr. Md. Manuwar Ali

Ms. Moumita Karmakar

...for the opposite party

Mr. Mahendra Prasad Gupta, learned advocate appearing for the petitioners submits that though an order of injunction was initially passed in favour of the plaintiffs/petitioners herein, but subsequently on an application filed at the instance of the defendant/opposite party herein, such order was directed to remain suspended till the disposal of the petition filed under Section 151 of the Code of Civil Procedure. When it was pointed out to Mr. Gupta that such order in effect amounts to vacating, varying or modifying the order of injunction, and is appealable order, Mr. Gupta, learned advocate appearing for the petitioners prays for leave to withdraw this revisional application with liberty to challenge the impugned order No. 4 dated 27th July, 2023 passed by the learned Civil Judge (Junior Division) 3rd Court at Howrah in Title

Suit No. 927 of 2023 before the appropriate forum.

In view of such submission of Mr. Gupta, CO 3301 of 2023 stand dismissed as withdrawn with liberty to the petitioner to challenge the order No. 4 dated 27th July, 2023 passed by be learned Civil Judge (Junior Division) 3rd Court at Howrah in title Suit No. 927 of 2023 before the appropriate forum in accordance with law.

The petitioners will be at liberty to take back the original certified copy of the order impugned upon furnishing a photocopy of the same.

Urgent certified photo copy of this order, if applied for, be given to learned advocates for the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)