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Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

C.O. 79 of 2023

In the Matter of : Suman Saha

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Ms. Rikta Sarkar ... for the petitioner

Mr. Abhishek Sarkar ... for the respondent

This application under Article 227 of the Constitution of India impeaches judgment passed by the learned Additional District Judge, 3rd (Special) Court, Jalpaiguri in Misc. Appeal No. 7 of 2022. By the impugned judgement, learned Appellate Court was pleased not to interfere with the *ex parte* ad interim order passed by the learned Civil Judge, Junior Division, 2nd Court, Jalpaiguri in T.S. No. 331 of 2021.

Heard Mr. Bhowmik, learned counsel appearing on behalf of the petitioner.

It is contended that the plaintiff in a suit for declaration and permanent injunction obtained *ex parte* order of ad interim injunction by suppressing material fact.

Learned Appellate Court did not consider the said fact while disposing of this appeal by the judgement impugned.

While exercising jurisdiction under Article 227 of the Constitution of India, this Court is not supposed to look into the correctness of the order. The jurisdiction is limited to see if the

order impugned is perverse or has been passed in exercise of erroneous jurisdiction.

Testing the case on the anvil of this point, I do not find any reason to admit the revisional application.

The revisional application, is thus, dismissed along with application, if any, however, without any order as to costs.

(Siddhartha Roy Chowdhury, J.)