

Item No. 05

Ct 22

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03.09. 2024

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 82 of 2022

Sri Krishna Chandra Ghosh @ NabaKumar Ghosh
Vs
Tapan Kumar Ghosh

Mr. Sukumar Ghosh,
Ms. Moumita Ghosh..

... for the petitioner.

Mr. Sujit Kr. Rath,
Mr. Subir Hazra,
Mr. Sumumar Sarkar.

... for the opposite party.

1. This revisional application has been preferred assailing the order dated 31st March, 2021 passed in Misc. Appeal No. 26 of 2018 arising out of Title Suit No. 122 of 2019 by the learned Additional District Judge, 2nd Court, Hooghly Sadar, wherein learned Judge set aside the order dated 7th May, 2018, passed by learned Civil Judge (Junior Division), 2nd Court, Chinsurah, Hooghly refusing the prayer for temporary injunction under Section 94 read with Section 151 of the Code of Civil Procedure.
2. From the order passed by the learned Civil Judge (Junior Division), 2nd Court, Chinsurah, Hooghly, it appears that learned Judge though found possession of the plaintiff in respect of 5 decimal of land who did not find any document

in support of 1½ decimal of land mentioned in the schedule to the plaint and, therefore, the prayer for temporary injunction was refused. The said order of learned Civil Judge (Junior Division), 2nd Court, Chinsurah, Hooghly was assailed in the Misc. Appeal being No. 26 of 2018, wherein learned Appellate Court focused on construction being undertaken on the subject property and to prevent multiplicity of proceeding promulgated the order of status quo in respect of possession as well as construction over the subject property.

3. Learned counsel in behalf of the petitioner/defendant has submitted that the plaintiff/opposite party is in possession of 5 decimal of land and defendant/petitioner is in possession of 8 decimal of land.
4. In opposition to that learned counsel on behalf of the opposite party/plaintiff has submitted that plaintiff is in possession of 6½ decimal of land.
5. Given facts and circumstances, the possession of both the parties were protected by the promulgation of order of status quo cannot be said to be an unjust order.
6. Thus, I find no irregularity or infirmity in the order impugned in this revisional application.

7. At this stage, both the learned counsel on behalf of the parties to this revisional application have submitted for giving a direction upon the Trial Court to dispose of the Suit within a specified period.
8. Considering the long pendency of the Suit learned Trial Judge is requested to dispose of the Suit within a period of six months from the date of communication of this order.
9. I make it clear that learned Trial Judge shall not entertain any unnecessary adjournment in case sought for by either of the parties.
10. With this observation, the revisional application stands disposed of.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
12. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)