

03.09.2024
Item No.70 ML
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 445 of 2024

Prabhas Mondal & Ors.

-Vs-

Smt. Harani Kundu & Ors.

Mr. Kaushik Dey,
Mr. Debnath Mahata.

.....for the petitioners.

The plaintiffs in a suit for declaration of title and injunction are the petitioners of the instant application under Article 227 of the Constitution of India.

The prayer of the plaintiffs for an *ad-interim* order of injunction was refused by the learned Trial Judge; aggrieved thereby, the plaintiffs have preferred the connected miscellaneous appeal.

The Appellate Court below by the order impugned being Order No.3 dated October 05, 2023 has allowed the prayer of the plaintiffs for an *ad-interim* order of injunction directing the parties to maintain *status quo* in respect of the nature and character of the suit property.

Mr. Dey, learned advocate for the petitioners submits that the Appeal Court below has partly allowed the prayer of the petitioners without considering the prayer for a prohibitory injunction restraining the defendants from transferring and/or alienating the suit properties.

The miscellaneous appeal is still pending; it will be open for the petitioners to renew their said prayer in the appeal and the learned Trial Judge shall consider the same in accordance with law.

The learned Civil Judge (Senior Division) at Durgapur, District: Paschim Bardhaman is therefore requested to expedite the disposal of the *Miscellaneous Appeal No.18 of 2023* arising out of Order No.2 dated September 14, 2023 passed by the 1st Court of the learned Civil Judge (Junior Division) at Durgapur, District: Paschim Bardhaman in *Title Suit No.285 of 2023* if the same is otherwise ready for such disposal and in doing so, shall not grant any unnecessary adjournment to either of the parties.

C.O. 445 of 2024 is disposed of with the above terms without any order as to costs.

Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)