

03.09.2024
(M/L-71)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 450 of 2024

Sri Souvick Roy Chowdhury

-Vs-

Sk. Lal Chand & Ors.

Mr. Shamik Bagchi,
Mr. Dilip Kumar Mandal,

... For the Petitioner.

Md. Salauddin,
Md. Raziuddin,

.... For the Opposite Party No.1.

The plaintiff in a suit for declaration and injunction is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against order no. 12 dated January 25, 2024 passed by the Additional Court of learned Civil Judge (Junior Division) at Serampore, District: Hooghly, in the said suit being *Title Suit No. 72763 of 2017*.

The petitioner by an application under section 151 of the Code of Civil Procedure had prayed for a direction upon the defendants, the opposite parties herein for removal of the construction over the suit schedule 'C' property alleging such construction is illegal and has been put up in violation of the order of injunction passed in the suit.

The learned Trial Judge by the order impugned has dismissed the said application.

The petitioner is not entitled to get the relief as prayed for on an interlocutory application as grant of such relief would amount to prejudge the

issue to be decided in the suit, therefore the learned Trial Judge has rightly refused to allow the said prayer.

The order impugned for the aforesaid reason does not call for any interference.

C.O. 450 of 2024 is dismissed with the above terms without any order as to costs.

This order will however not prevent the plaintiff to pray further relief(s) on the basis of subsequent events by suitably amending the plaint in accordance with law.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)