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*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. No. 465 of 2024

**Basudeb Das
Vs.
Mahadev Das & Ors.**

Mr. Anit Kumar Rakshit ... For the petitioner.

The plaintiff in a suit for partition is the petitioner of the instant application under Article 227 of the Constitution of India.

The 2nd Court of learned Civil Judge(Senior Division) at Baruipur, District – 24 Parganas (South) by the judgment and decree dated December 17, 2022 has dismissed the said suit.

The plaintiff aggrieved by the said judgment and decree has preferred the connected Title Appeal No. 01 of 2024. The said appeal is pending before the learned Additional District Judge, Fast Track Court at Baruipur, District – 24 Parganas (South).

The appeal Court below by the order impugned being Order No. 04 dated January 22, 2024 has refused to pass an ad interim order of injunction on the application under XXXIX Rules 1 and 2 of the Code of Civil Procedure filed by the petitioner.

The refusal of the ad interim order of injunction, in view of the dismissal of the suit is justified. However,

the learned appeal Court below is requested to dispose of the said pending application for injunction expeditiously, if it is otherwise ready for such disposal, and in doing so shall not grant any unnecessary adjournment to either of the parties.

C.O. 465 of 2024 is disposed of with the above terms without any order as to costs.

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.)